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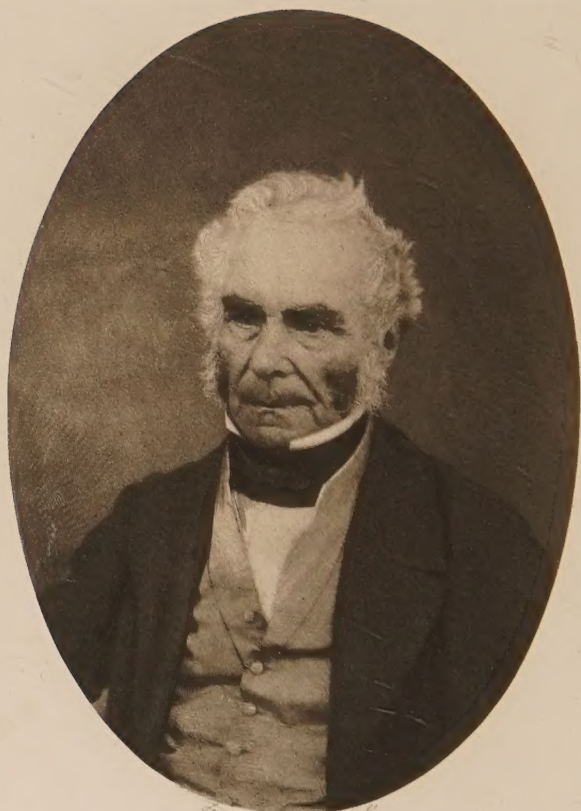
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A HISTORY OF THE
ENGLISH POOR LAW

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A HISTORY
OF THE
ENGLISH POOR LAW

IN CONNECTION WITH
THE STATE OF THE COUNTRY AND THE
CONDITION OF THE PEOPLE

BY
SIR GEORGE NICHOLLS, K.C.B.
POOR LAW COMMISSIONER AND SECRETARY TO THE POOR LAW BOARD

RE-ISSUE OF
THE NEW EDITION
CONTAINING THE REVISIONS MADE BY THE AUTHOR
AND A BIOGRAPHY

BY
H. G. WILLINK
CHAIRMAN, BRADFELD POOR LAW UNION

VOLUME I.
A.D. 924 TO 1714

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Poor laws

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"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessities of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation*. London, 1851.

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DEDICATION

To the Boards of Guardians of the English Poor Law Unions—in the hope that the explanations herein given of the Progress of the Poor Law, in connection with the State of the Country and the Condition of the People, may prove useful to them and their successors—this Work is inscribed,

By their faithful Servant,

THE AUTHOR.

LONDON, *February* 1860.

CONTENTS OF VOLUME I

| | PAGES |
|---|---------------------|
| PORTRAIT | <i>Frontispiece</i> |
| LIFE OF SIR GEORGE NICHOLLS, K.C.B. | i-lxxviii |
| INTRODUCTION | 1-12 |
| CHAPTERS I. TO IX.—A.D. 924-1714. | 13-384 |

PART THE FIRST

THE SAXON PERIOD, AND NORMAN INVASION, TO THE END OF ELIZABETH'S REIGN

CHAPTER I

A.D. 924-1066-1399

Early legislation—State of the population prior to the Conquest—Under the Norman kings—In the time of Henry II.—Conquest of Ireland—Magna Charta—Feudalism—Laws of Henry III.—Laws of Edward I.—“Statute of Winchester”—“Statutes of Merchants”—Slavery of the people—The Crusades—Annexation of Wales—Condition of the Welsh people—Rise of a middle class, *temp.* Edward II.—Mingling of the races—Advance of freedom—Increase of vagrancy—Laws of Edward III.—“Statute of Northampton”—The great plague—“Statute of Labourers”—Sumptuary law—Prevalence of violence and disorder—Laws of Richard II.—Popular progress—Wat Tyler’s rebellion—Population in 1377—Regulation of wages—Scarcity of agricultural labourers—The impotent poor—First game-law. *Pages* 13-61

CHAPTER II

A.D. 1399-1509

Laws of Henry IV.—Progress of improvement—Wealth and intelligence of towns—Enactments relating to the Welsh—Apprenticing in towns—Increase of vagrancy—Transition from vassalage to independence—Necessity of relief for poverty—Laws of Henry V.—Population—

Abuse of charities—Wars with France—Laws of Henry VI.—Regulation of wages—Threatening letters—Restrictions on foreign merchants—Scale of wages—Price of wheat—Cade's insurrection—Laws of Edward IV.—Sumptuary laws—Remarks by Adam Smith and Blackstone—Commercial prohibitions—State of agriculture—Laws of Richard III.—Restrictions on Italian merchants—Wars of York and Lancaster—Decline of feudalism—Laws of Henry VII.—Increase of wealth and general improvement—Alarm at increase of pasturage—Vagabonds and beggars—Modification of apprenticeship laws—Scale of wages—Maritime adventure—Vagrancy—Death and character of Henry VII.—Population *Pages 62–106*

CHAPTER III

A. D. 1509–1558

Accession of Henry VIII.—Sumptuary laws—Prices of provisions—Consolidation of farms and increase of pasturage—State of Manchester—Gipsies—Vagrants and beggars—"Rufflers"—Limitation of almsgiving—Employment of children—Management of the poor—The Reformation, and suppression of religious establishments—Condition of the people—Accession of Edward VI.—Loiterers and wanderers—Beggars' children—Aged and impotent poor—Collectors of alms—Combinations—Pasture and tillage—"Gigge-mills"—"Act of Uniformity"—Book of Common Prayer—Accession of Mary—Restoration of popery—Licensed begging—Sumptuary law—Gipsies—Exportation of corn prohibited—Prices of cattle, poultry, and wheat—General increase of prices—Influences of popery and of the Reformation—Death of Mary *Pages 107–148*

CHAPTER IV

A. D. 1558–1603

Accession of Elizabeth—First compulsory assessment—Service and wages—Sturdy beggars—Aged and infirm poor—Overseers—Bastardy law—"Collectors and governors"—Houses of correction—"Censors and wardens"—Gipsies—Exportation of corn—Preservation of game—Regulation of buildings—Vagrancy in London—Overseers of the poor—Rate in aid—Liability of parents and children—Rogues, vagabonds, and sturdy beggars—Scotch and Irish vagrants—Shipwrecked mariners, etc.—Progress of legislation—Provisions of 43 Elizabeth—The Reformation—Progress of legislation with respect to the poor—State of the country—Condition of the people—Prices of provisions—Rates of wages—Social improvement—Death of Elizabeth *Pages 149–206*

PART THE SECOND

FROM THE ACCESSION OF JAMES THE FIRST TO THE
END OF THE REIGN OF ANNE

CHAPTER V

A.D. 1603-1625

Accession of James I.—Rates of wages—Dangerous rogues—Proclamation against incorrigible rogues—Overseers of the poor—Tippling in ale-houses—Conjurations and witchcrafts—Regulation of manufactures—Fisheries—Exportation of corn—The plague—Gunpowder Plot—Exportation of beer—Killing of game—Enactments against drunkenness—"Levellers"—Apprenticing poor children—Desertion of families—Houses of correction—Working-houses for the poor—Abolishment of monopolies—Women convicted of "small felonies"—Laws relating to Wales—Rate of interest—Prohibition of profane swearing—Infanticide—Exportation of corn—Advance in prices—State of England and Ireland—Commerce—Progress of the Poor Law . . . *Pages 207-246*

CHAPTER VI

A.D. 1625-1660

Accession of Charles I.—Observance of Sunday—Enactment against tippling—"Petition of Rights"—Dread of popery—Parish apprenticeship—Disuse of parliaments—Commission for relief of the poor, and punishment of rogues, etc.—"Orders" and "Directions" of the commissioners—Proclamations—Fasts—Sports and pastimes—Ship-money—The Long Parliament—Tunnage and poundage—Poll-tax—Irish rebellion—"Remonstrance of the State of the Kingdom"—The civil war—Population in 1660—Proclamation of Charles II.—State of England during the Commonwealth and Protectorate—Colonisation—Trade of Manchester in 1641—Increase of London—Hackney coaches—A post established—Navigation Act—Reduction of interest—Improvements in agriculture—Woollen trade—Price of wheat—Rate of wages—Comparison of wages and cost of subsistence—Constitutional principle finally established . . . *Pages 247-273*

CHAPTER VII

A.D. 1660-1688

Charles II.—Act of Indemnity—Reduction of interest—The army disbanded—Character of the soldiery—Navigation Act—Dutch War—Cultivation of tobacco and exportation of leather prohibited—The

Settlement Act—Sir Matthew Hale on provision for the poor—Prohibition of foreign bone-lace, etc.—Practical duties—Cultivation of flax and hemp—The Bedford Level—Act to prevent the delivering up of merchant-ships—Shipbuilding—Woollen manufactures—The great plague and the Dutch war—Fire of London—The war renewed—Rebuilding of London—Regulation of silk-throwing—Punishment for burning stacks and injuring cattle—Metropolitan workhouses—Relief of poor debtors—Greenland and Eastland trade—Observance of Sunday—The Prince of Orange—Papist disabilities—Habeas Corpus Act—Parliament at Oxford—Death of the king—Accession of James II.—Law of Settlement—Encouragement of shipbuilding—Illegal measures of James—Landing of the Prince of Orange—Abdication of James—The Convention Parliament—Accession of William and Mary—Bill of Rights

Pages 274–319

CHAPTER VIII

A. D. 1688–1702

William and Mary—Convention Parliament—Repeal of the hearth-tax—Exportation of corn—Irish war—Tithe of hemp and flax—Revision of the law of settlement—Population and poor-rates—Progress of the Poor Law—Increase of the poor-rates—Increase of wealth—Rate of wages—Highway robberies—Button manufacture—Shipbuilding—Triennial Act—Death of Queen Mary—New coinage—Greenwich Hospital established—Growth of hemp and flax—Bank of England—East India Company—Amendment of settlement law—Manufacture of lustrings—Peace of Ryswick—Exportation of corn prohibited—The “seven barren years”—Inland navigation—Fraudulent removals—Settlement of the Crown—War of the Spanish succession—Death and character of William—Progress of the Poor Law—Mr. Locke’s report on the poor—Bristol workhouse—Amount of poor-rates—Population in 1701—Rate of wages—Mr. Gregory King’s scheme—Summary of events in William’s reign *Pages 320–359*

CHAPTER IX

A. D. 1702–1714

Accession of Anne—The Mutiny Act—The “truck system” prohibited—Sea-apprenticeship—Worcester workhouse—Pauper labour—Plymouth workhouse—Education of the poor—Augmentation of small livings—Union with Scotland—Game-laws—General scarcity—Prices of wheat—Norwich workhouse—Prohibition of “truck”—The woollen and sailcloth manufactures—Peace of Utrecht—Reduction of interest—Condensation of laws relating to vagrancy—The queen’s death—Summary of the events of her reign—Population—The Poor Law—Amount of poor-rates—Workhouses—Increase of trade and shipping—Extended importance of the colonies *Pages 360–384*

LIFE OF SIR GEORGE NICHOLLS

SIXTY-FIVE years ago the imperative necessity of Poor Law reform in this country forced itself upon the attention of statesmen. A faulty system had been allowed to work without safeguard or restriction, and it had fully and fairly worked itself out. The warning was upon the wall in very large letters; the national character was at stake; and the permanent welfare of England was probably in no less danger from bad Poor Laws than it had been from Napoleon Buonaparte.

Fortunately the subject had not been made a party question. Fortunately, too, the very magnitude of the evil tended to disclose the causes of it, so that there coexisted several conditions favourable to prompt and successful treatment,—a pressing danger, an easy diagnosis, and a legislature ready to be swayed by Reason, if Reason could find a mouthpiece. Such was the state of things when the Whigs took the business in hand.

Everything turned upon the choice of men, first for inquiry and then for action. The right kind of men, with previous Reports (like that of Mr. Sturges Bourne's Committee of 1817) in their hands, and with the facts staring them in the face, might fairly be expected to disentangle the threads of the web, and to make practical recommendations founded upon a sound basis. Nor, later, was it less important that the choice of

those who were to bring the new law into action should be wisely made. In inefficient hands the best legislation might have failed.

To this day we may be thankful that among those who conceived and carried out the great measure of Poor Law reform were men who were not mere theorists, but were possessed of a wide and practical knowledge of human nature, of business generally, and, above all, of the successful application of the principles upon which those measures were framed.

Of these men Sir George Nicholls was a central figure. Thirty years afterwards he was described by no less an authority than Mr. C. P. Villiers (then President of the Poor Law Board) as "the father of the new system of Poor Law"; and there is good warrant for the title. Hitherto, however, no description of him has been made public. It is true that no one can read his *Histories of the English, Scotch, and Irish Poor Laws* without obtaining some insight into his high-minded and straightforward nature, and his power of apprehending and expressing essentials. The books speak for themselves as the work of a clear-sighted, public-spirited man; and his opinions upon all Poor Law matters require little if any further exposition. He was necessarily precluded from dwelling at any length upon his own personal qualifications, and upon the part which he took both in originating and in carrying out the system which he describes; nor would he have sounded his own praises if he could have done so.

It is the aim of the present short biography to give the reader some idea of this man, the most important part of whose strangely varied life was devoted to the service of his country; for which purpose he gave up, in middle age, an assured position of comparative ease, and prospects of advancement that would inevitably have come to the possessor of so much administrative ability.

Fairly to estimate and clearly to portray character is never an easy task ; and there are perhaps peculiar difficulties when the attempt is made by a near relative. The writer, moreover, was only fourteen years of age at the date of Sir George's death ; and though he retains a fairly vivid recollection of him, this is only such as a boy would naturally retain of his grandfather, and is of course a recollection of him as he was towards the end of his life. Nor will space permit of such extracts from letters or other documents as would serve adequately to illustrate character at first hand. The writer can only say that he has done his best to form an unbiassed judgment ; and he has been fortunate in having access to a large quantity of material, including an Autobiographical Memoir written in 1857, with additions and annotations down to 1864, besides a mass of correspondence.

George Nicholls was a member of an old Cornish family, branches of which had been settled in the county for centuries,¹ and several of whose members had attained some distinction. He was born on December 31, 1781, at Trenithen in Cornwall, and was the first-born child of Solomon Nicholls and Jane (his second-cousin), daughter of George Millett of Helstone. His father, who died in 1793, aged only thirty-seven, was a powerful man of quick and ardent temperament, and by nature of an adventurous disposition, which his occupation as a farmer gave him, to his regret, no scope to exercise : he had seen something of the sea in his youth, and George appears to have imbibed from him not only perhaps some little familiarity with agriculture, but also a strong bent for a seafaring life, "for which

¹ They were connected by marriage with the Godolphin, Sandys, Fleming, and Nicholas families. See Lysons' *Cornwall*, p. cxxxiv ; Fortescue Hitchen's *Hist. of Cornwall*, ii. 438 ; *Western Antiquary*, vol. xi. p. 145 ; *Dict. Nat. Biog.*, sub-tit. "Sir G. N." ; Carew's *Survey of Cornwall*, bk. ii. p. 127, printed in 1602.

(he says), as long as he could remember anything, he felt destined." To his mother he was always devotedly attached, and her judicious treatment of him had evidently much influence upon him for good. She died in 1849, aged eighty-eight. As a boy he was exceptionally active, and a very good wrestler,—“few boys could touch me at the Cornish hug.” He was not, however, above the average in other games, his chief delight being in reading, a taste which he retained to the last. His education was of the simple kind proper to a lad of the middle class at that period. After a short schooling at the Parish School, St. Kevern, under his great-uncle, William Nicholls, he went to the Grammar School at Helstone, where he remained for four years, under Rev. Edward Otter, afterwards Bishop of Chichester. While there, the momentous question of his future career was definitely settled. There had been some thought of his entering the Navy as a midshipman under Sir Edward Pellew, who was a friend of his relative Admiral Kempthorne. Mrs. Nicholls’ brother, George Millett, however, had obtained the command of a ship in the East India Company’s service, and the opening was considered too good to be disregarded. Young George was accordingly sent away in 1796, for less than a year, to a large school of some celebrity at Newton Abbot, kept by Mr. Weatherdon, in order to receive special preparation in geometry, trigonometry, and navigation. It was a rough school, and George, whose widowed mother could not afford at first to make him a parlour-boarder, had to struggle for his own position. The ordeal was no doubt good for him, as it threw him entirely on his own resources; and he dates the commencement of his independence of spirit from this epoch. Another circumstance is worth giving in his own words.

“It was in most cases the practice for boys to have a weekly allowance for pocket-money. But my poor mother, with excel-

lent feeling and good sense, pointed out to me that our circumstances did not admit of any expenditure beyond what was absolutely necessary, that we had, in short, nothing for luxuries or boyish fancies, and that she would therefore not make me any fixed allowance, which would go as it came, but would intrust me with a sum which I might use from time to time as I had real occasion for it, relying on my discretion in so doing, and requiring me only to keep an exact account of what I spent. This was the compact between us, and I felt that it was right, and determined to abide by it."¹

He goes on to say that he has throughout his life found the very greatest advantage from the practice thus commenced, never discontinued, and confirmed by habit. During the whole of his time at Newton Abbot he worked very hard at his books, and even at his own request stayed at the school during part of the holidays. Before the end of 1796, however, he was summoned to join the ship *Earl of Abergavenny*, Captain John Wordsworth (uncle of the poet), then fitting out at Gravesend; and on March 18, 1797, at the age of sixteen, he left England in her as midshipman, on his first voyage, bound to Bombay and China.

It would be very interesting to describe in detail the nine voyages, extending over eighteen years, which he made between England and the East. But the story would run to too great a length; and it must suffice to mention only the points bearing upon the development of his character and special aptitudes.

By the wish of his uncle he was consigned on his first voyage to the particular care of the purser, with a view to becoming qualified for that line if he should prefer it, or at anyrate to his entering on the career of an officer with a better knowledge of business than would otherwise have been the case. This did not relieve him from the usual sea duties, and he had thus practically a double share of work.

The training he so obtained included work in

¹ Extract from "Autobiographical Memoir."

port as well as on board, bringing him into contact with all kinds of persons engaged in trade, foreign and British, and making him familiar with the disposal of investments and commercial affairs generally; and he made good use of his opportunities, keeping full and accurate notes of weights, measures, coins, numerals, prices, duties, etc., as well as all kinds of information about trade and articles in demand at the various ports. To this habit of making memoranda he adhered in after life whenever it was possible to do so.

It was not long, nevertheless, before he made up his mind to embrace the nautical branch in preference to pursering. He already felt the workings of ambition, and since he saw clearly that as a purser he would always be subordinate, whereas he might hope as an officer to rise high, he threw his whole energy into attaining excellence in seamanship. He evidently took a pride in his craft. Speaking of his second voyage, 1799–1800, when he was senior midshipman of the *Hindostan*, under his uncle, Captain Millett, he says:—

“The officers of the *Hindostan* were, on the whole, of average quality—the second, Balston, somewhat above an average, Mackintosh, the chief, was a gentlemanly person, of fair intelligence, but no seaman,—and this circumstance gave me much greater sway on the quarterdeck, when working ship, tacking, or wearing, or any other operation,—with the exception of reefing topsails, when I always took the weather earing (the post of honour) on the mizen topsail yard, the mizen mast being under my especial charge as midshipman and coxswain, and the working of its sails being chiefly left to the midshipmen themselves. I well remember the delight we youngsters had in often beating the fore and main topsails in reefing, which is always an exciting operation to a ship’s company, the watches being pitted against each other on the occasion, and much rivalry existing as to which should be the first.”

That he was successful is clear from the rapidity of his promotion. He was senior midshipman at seventeen and a half, chief mate at twenty-three (though he

had to wait until he attained the minimum age at which he could submit himself to the very severe examination necessary before he could avail himself of the offer of the post), and captain at twenty-seven and a half. No doubt the fact that his uncle, Captain Millett (under whose direct command he served in two voyages), had become a director of the Company, stood him in good stead; but the uncle was not a man to give support where it was not deserved, and the nephew was never a man to lean upon favour. It is indeed characteristic of the latter, that, having at the age of twenty-one experienced some coldness from shipowners upon applying for a post, he formed a kind of determination that he would thenceforward act so that appointments should be offered to him instead of his soliciting them—a determination to which he firmly adhered.

These eighteen years of genuine hard sea work, at a time when sailing was of the old type, left an ineradicable impress upon Captain Nicholls. The sea has ever been a school productive of fine specimens of Englishmen; and though it may be permissible to half regret that so earnest and high-minded an officer was diverted from a field of action in which our great naval heroes have reaped glory for their country and for themselves, it is impossible not to rejoice that a man whose subsequent battles, if less conspicuous, yet were, no less than theirs, fought and won in a spirit of self-denying patriotism, should have spent the most impressionable years of his life in so fine a service as that of the Hon. East India Company. Even the less famous branches of the merchant service were in those days held in high estimation. Nelson himself, after two years in the navy, was sent to sea in a merchantman for twelve months (Mahan's *Life of Nelson*, vol. i. p. 10). Many trading vessels carried guns for self-protection, and in 1808 Mr. Nicholls, while serving

as chief mate of the *Scaleby Castle*, under Captain John Loch, smelt powder on the occasion of a brush with a French frigate.

Nor was it alone in habits of command and readiness of resource in action that this period was fertile. Officers of the Company's ships were entitled to certain privileges in respect of freight which enabled them, if they were skilful, to make substantial profits in trading to and from the East. Of these opportunities Nicholls, especially after he became a captain, was qualified, by his careful business training and observation, to take full advantage, and he soon found himself in independent and even easy circumstances.

Again, there must have been much in these voyages to give width of view and knowledge of the world and of human nature. He is a dull man whose mind is not opened by the mere fact of visiting foreign countries and becoming acquainted with foreign habits and customs. But there was more than this. The Company's ships were much used by officials of all grades of distinction, and other persons going to and returning from the East; and the intercourse with their passengers must, to many captains and senior officers, have been full of interest. It certainly was so with Captain Nicholls, who formed on board ship, with his messmates and with passengers, several friendships which were terminated only by death. Among such friends may be named Mr. (afterwards Sir George) Staunton, Richard Clarke, John Loch, Mr. (afterwards Sir Herbert) Compton, and Joseph Hume.

The result of all these various influences was to strengthen his natural disposition towards self-reliance and application. His force of character showed itself early, and of this the following anecdote is an instance. At Bombay, on his first voyage, he was unlucky enough while on shore to break both bones of his left leg, and dislocate the ankle, in a carriage accident. It was a bad

fracture, and he was pressed, first, to remain at Bombay, and enter the marine service there; and then, when the leg became worse, to submit to amputation. He had the determination to decline both these courses. He remained on his own ship, and sailed with her; his leg was saved, against the prognostications of three surgeons, and remained useful to him down to his dying day. This matter is perhaps a small one, but not every lad under seventeen would have carried his point in the teeth of well-meant advice. It may be worth mentioning that he made good use of the tedious period of inaction, and devoured every book in the ship,—a diet which was probably more nutritious in those days than any which would be forthcoming now in the time of yellow-backed novels.

It need not be imagined, however, that the life of the young officer was all duty. This is not the place for a detailed account of the romantic events which led to his marriage, on July 6, 1813, with Harriet, daughter of Brough Maltby, of Southwell. It is enough to say that the story is one which reflects honour upon both parties, and their long married life was full of happiness. A certain habit of writing verses, which probably reached its climax about this time, really dated from earlier still; for he traces it to the intimacy which sprang up during his fourth voyage (1803–1804) with a well-read and interesting passenger named Cotton, who, having, like Joseph Hume, begun life as a surgeon's mate, was proceeding to Madras to take up an appointment as assistant surgeon. Cotton himself, who died soon afterwards, had a considerable turn for poetry; and although Sir George takes, in his Memoir, a characteristically modest view of his own performances, these are not without true feeling, if couched in somewhat stiff and laboured language. A volume of them in manuscript is still preserved, the latest being lines written to his wife on the occasion of their golden

wedding day. The practice was a constant solace to him in the long watches at sea, and served to give expression to thoughts of such an elevated character as one would hardly have expected to find in a man of so practical a turn of mind.

At the end of 1814 his prospects seemed bright. He had made a good voyage out, and confidently looked to finding himself worth £50,000 on his return home. His ship, the *Bengal*, was at Point de Galle, and was to sail for England on January 19, 1815. He had a fine crew and a good vessel, and felt so secure that, owing to some little difficulty, he allowed himself to omit the usual precaution of extra homeward insurance. Yet an inscrutable Providence had determined that he should at this very moment be overwhelmed by the most crushing material disaster of his life. During a farewell dinner on board, on January 18, a fire broke out through the carelessness of a petty officer in charge of the spirits, and in half an hour the ship and cargo had disappeared, not without loss of life, though the passengers were all saved. Everything was done that could be done, and his men behaved with a self-devotion to which he bears touching witness. But all was in vain, and instead of rejoining his wife with a fortune which would have placed him in a position of comfortable independence, he landed in England, on June 21, 1815, poorer than when he had left her eighteen months before.

He was honourably acquitted of all blame by the directors, after a full inquiry, and might easily have obtained another ship. But he had no heart to do so, and for a considerable time felt himself to be a broken man, though it was not for some years that he quite gave up all thought of returning to the sea. The recollection of the catastrophe never left him. Writing in 1857 he says: "While seated at dinner we were startled by the cry of 'Fire! fire!' I hear the shriek now, and shall ever hear it."

Thus closed the first period of his life, and for a few years it seemed as though his energetic nature would find no worthy vent.

While his affairs were being settled, and the wreck of his fortunes recovered so far as was possible, he decided to make a home at Farndon, a village near Newark, where his wife would be near her relatives at Southwell. Here they lived, from April 1816, for three years. This epoch was the one quiet time in his busy life. Idle he could not be, and he found occupation for himself in his garden, in carpentry (at which he was rather skilful), in hunting, and in some inquiry into agriculture, in which he was always interested. He also soon began to take part in parish affairs. He became a manager of the village school, chiefly supported by dissenters; he started a kind of savings bank; and it is important to notice that his attention was first drawn to Poor Law matters by observing that the condition of the *non-settled* labourers, who had no claim on the parish, was invariably superior to that of the *settled* labourers, who were in the habit of relying on assistance from the rates. This made a deep impression on his mind, and he always regarded it as the germ of those principles which he afterwards formulated so successfully.

In the spring of 1819 he moved to Southwell, a place peculiarly adapted for the residence of persons with moderate incomes, and there he purchased a small property. At first, as at Farndon, he devoted himself chiefly to gardening, carpentry, the study of agriculture, and school management. But it was not long before he was drawn into playing a more active part in parochial matters. Little need here be said about the main features of the important reforms which followed his acceptance, in 1821, of an invitation to become overseer of the poor,—an acceptance which,

though not given without some reluctance, was accompanied by this significant remark to the chairman of the bench by whom the offer was made, and under whose autocratic control the business of the magistrates and of the parish generally had for many years been conducted, "But mind, Mr. Becher, I'll not be a sleeping partner. If I am to be overseer, I will be so indeed, and fulfil the duties of the office strictly and to the letter."¹

The Southwell narrative is told by Sir George himself in the body of this History (*post*, vol. ii. pp. 240–251). It speaks for itself, though it is reticent upon many points of personal interest, which are mentioned in the manuscript referred to in the note below. From that document, and from correspondence of the same period, the work can clearly be seen, so far as Southwell is concerned, to have been Captain Nicholls' doing, though he is always careful to acknowledge the priority of the independent reforms initiated by the Rev. Robert Lowe (father of Lord Sherbrooke) in the neighbouring parish of Bingham. Then, as afterwards, he seems to have had extraordinary powers of impressing men with his sincerity and unselfishness. It might have been expected that the line of economy and reduction of relief would have brought with it great unpopularity; nor does he deny that at first it did so. But elevation of character had its usual effect, and in the result he became in Southwell, as throughout life he always tended to become, a kind of universal referee. His own simple words are worth quoting, from the document already referred to.

¹ There exists a most interesting manuscript account, by the author, of the inner history of the Southwell reforms, written by him in May 1834, at the request of Mr. Lowe (above mentioned, who was a warm supporter of his) and Mr. Cowell (an assistant Inquiry Commissioner, referred to presently), at a time when Mr. Becher was by way of claiming the merit of all that was done there. It was never published, however, the author not being of a self-advertising disposition; nor, indeed, was there any need of publication.

"Retrenchment is always painful, always unpopular,—this I felt in our little community, as others have felt in the great world before and since. Threats and efforts at intimidation were used, but these I of course despised. One practice I invariably adhered to from the commencement of my official career; that is, never to refuse seeing any individual who came to me. However occupied, early or late, I always received them on the instant, heard patiently all they had to state, reasoned with them, endeavoured to convince them, showed them that it was not my own money that I was dispensing, and that, as an honest man, I could not put my hand into the parish purse except in cases where the law enjoined me to do so. I constantly explained to these applicants that every individual in the parish, themselves included, was interested in the observance of strict economy on the part of the overseers, and, in short, often succeeded in satisfying their minds as to the justice and policy of my proceedings, although I refused the relief which they solicited; and they always left me convinced, at anyrate, that there was nothing harsh or selfish in my refusal—that I was impartial, moreover, and acted openly and alike to all.

"The poor came to me, therefore, on all occasions without fear; and after a time, I may say likewise, without evincing any of that jealous dislike and hatred which they seem instinctively to feel towards the overseer. And before I quitted the parish every vestige of this had disappeared, and I was constantly in the habit of having references made to me in cases of dispute or difference between parties, or in families, and I scarcely ever failed in settling them amicably."

The welcome, by a number of labourers, given to him on a visit to Southwell some years afterwards is an interesting illustration of the warmth of popular feeling towards this "grinder of the faces of the poor."¹

From another passage it appears that the full effects of the reforms were not foreseen at first by their authors.

"In all these discussions, however, and in all our views and reasonings on the subject, we contemplated the workhouse as little more than an instrument of economy, calculated to lessen the parish expenditure by a reduction of the poor-rates.

¹ See note to vol. ii. p. 235, *post*. This note was struck out by Sir George in his revised copy as prepared for a new edition. I have, however, taken the liberty of restoring it, as it relates a simple fact.—(H. G. W.)

Neither Mr. Lowe, nor myself, nor any other individual with whom I conversed at this early period, appeared to have a clear or a distinct notion of the other important ends to which it was capable of being applied, and the natural and necessary effects of these upon the *moral condition* of the community. It was not until these results began to be developed, at Bingham and at Southwell, that the full consequences of the *mitigated kind of necessity* imposed on the working classes, by a well-regulated workhouse, were understood and appreciated. We then saw that it compelled them, *forced* them, to be industrious, sober, provident, careful of themselves, of their parents and children,—and this under the penalty of suffering, from a neglect of these virtues, the irksome restraints and privations which would attend their reception within its walls.

“The workhouse thus acted instead of—in a mitigated shape, it is true, but still in accordance with—that law of *necessity* wisely imposed by Providence upon mankind, and a neglect of which is ever followed by punishment in some shape—among an uncivilised people by entailing misery, disease, destitution, and death; under our civilised and more perfect institutions, by the improvident or the idle being cast upon the parish, and forced for shelter into a workhouse, where, although screened from the extreme penalties of his neglect, the pauper is yet subjected to so many disagreeable circumstances that the desire to escape from these constantly urges him on to renewed exertion, and to an observance of those virtues a neglect of which had entailed upon him privations so hard to be borne.”¹

The excuse for thus dwelling on the Southwell period is that, as is abundantly clear from what will be said later on, and from the History itself,² the actual main lines of the Inquiry Commissioners’ Report, and of the law founded on their recommendations, may be traced in the conception and execution of the experiment carried out in the little corner of Nottinghamshire a dozen years before.

The interval was destined to be spent by Captain Nicholls in strangely different occupations; and all

¹ His mature views on the vexed question of outdoor relief are sufficiently set forth in the body of the present work.

² See *post*, vol. ii. p. 235. The fullest printed account of the matter will be found in the author’s pamphlet entitled, “*Eight Letters on the Management of the Poor.*” By an Overseer. Newark, 1822.

active and responsible connection with Poor Law administration was completely broken off for a time.

The success which had attended his efforts for benefiting the parish naturally brought other applications upon him; and at the request of a Mr. George Barrow (to whom he had done considerable service by settling certain differences in relation to family property) he undertook to make an inquiry into, and report to him upon, the prospects of the Gloucester and Berkeley Ship Canal, which was then in course of construction, and in which Mr. Barrow was largely interested. Captain Nicholls had already paid some attention to the concern, having visited Gloucester in 1811 between two of his voyages; and although it "then appeared little more than a wet ditch," he had always thought well of the scheme, which, if properly completed, would have the effect of bringing vessels of considerable burden far into the interior, and conveniently near to the manufacturing districts of Staffordshire. This opinion he now expressed, remarking at the same time that much would of course depend on the manner in which the undertaking was executed and on the charges which were levied on shipping.

Two attempts made since 1811 to complete the canal had failed, but an Act was now obtained sanctioning additional capital, and the Exchequer Loan Commissioners were induced to make further advances. Captain Nicholls himself, after making a careful personal survey of the proposed entrance of the canal, and a thorough investigation of the whole scheme, was persuaded to take shares, and became more and more interested in the undertaking. Eventually, indeed, he was appointed a kind of dictator, the proprietors having delegated the whole of their authority to him, with a view to getting the works completed. This authority he had

to exercise in conjunction with the Exchequer Loan Board, or rather, with the officials of that body, Mr. Holden, the secretary, and Mr. Telford, the engineer, without whose authority he could, in fact, do nothing.

All this naturally resulted in his leaving Southwell, and early in 1823 he removed with his family to Longford House, Gloucester, the Canal Company defraying the expense of removal and also the expenses of his living, so long as he continued to superintend the canal, which he engaged to do until it should be finished. A salary of £600 was offered, but he preferred the above arrangement, and declined the salary under the somewhat strange notion that it would be rather derogatory. "The actual cost of our living, however, amounted to about that sum," he writes, "and I might as well have taken it at first."

The life at Gloucester was interesting as well as novel.

"I found much to do, much to learn, much to conciliate, and much that was wrong to rectify and amend. I had both to bear and to forbear in dealing with conflicting interests, to put up with crosses, vexations, and disappointments, taking comfort in seeing the work proceed, and feeling that each succeeding day brought us nearer to its completion. In course of time, moreover, I became better acquainted with canal operations, as well with regard to their management as to their formation. The latter was purely an engineering question, on which I took all opportunities of conversing with Mr. Telford. He was ever most frank and communicative, and I look back with great pleasure to my intercourse with him. It was always instructive; and I consider it as being one of the most fortunate circumstances in my chequered life that I was admitted to his intimacy and friendship. Telford was eminently original, and always aimed at accomplishing his object by the simplest means. He was the very antipodes of humbug—hearty, sincere, and confiding; and in the engineering excursions we subsequently made together, I always found it delightful to be associated with him. He had made his own position, and was justly proud of it, holding his head high in his intercourse with the great, but with his equals and inferiors he was simple and unassuming. I loved and admired him, and know that I stood high in his regard."¹

¹ Telford, in fact, made him a residuary legatee under his will.

Whilst thus occupied he was surprised one day by being called upon by Telford to assist him in a great undertaking on which he was engaged, for the construction of a ship canal between the English and the Bristol Channels. The scheme involved nautical as well as engineering considerations, the former of which Telford, with the consent of the projectors, proposed to delegate entirely to his friend. The commercial and financial part of the matter was eventually included in the proposal, so that it was clear that the execution or rejection of the whole scheme would in great measure depend upon his report. It took much persuasion to induce him to accept so responsible a task, but he did so ; and in December 1824 he and Telford presented their several reports, which were in favour of the scheme, and the same were approved and adopted.

The two entrances to the canal, which was to be 44 miles long with 60 locks, were to be at Beer in the English, and Stolford in the Bristol Channel. The average time assumed for the transit of a vessel was thirty-six hours, which it was expected would effect an average saving of a fortnight by all vessels regularly using the canal, both in their outward and their homeward passages. Those making for the Irish Channel would, of course, save less in distance, but there would be great advantages in being able to avoid the long reach to the southward and westward, in the teeth of prevailing winds ; and the powerful tides in the Bristol Channel would be available, with proper discretion, by skippers navigating in either direction. The report will be found in the Appendix to Mr. Telford's Life, published in 1838 and edited by John Rickman, one of his executors, with whom Captain Nicholls became very intimate after 1834.

An Act of Parliament was subsequently obtained for making the canal, notwithstanding strenuous opposition in committee in both Houses, at which

Captain Nicholls had to attend, and go through long and searching examinations. This, too, was new to him, and very instructive. He says, indeed, that he never gained so large an accession of new ideas within the same space of time as he acquired while occupied with this scheme.

The Act, however, never came into operation, the monetary and commercial difficulties which burst on the country at the end of 1825, and continued during the two following years, making it impossible to raise funds; and the introduction of steam navigation soon rendered the entire project unnecessary; so that (as he justly remarks) it was, perhaps, on the whole fortunate that the work was never actually commenced.

The celebrity attaching to the scheme, and to his report, led to his being invited by certain individuals, including Mr. Baring (afterwards Lord Ashburton), to go out and examine the Isthmus of Panama, with a view to the formation of a ship canal between the two oceans. Having regard, however, to the disasters by which M. Lesseps' great enterprise has since been attended, we may be thankful that the proposal was declined.

Shortly after this, on Telford's recommendation, he was for a brief period engaged in reporting, from a nautical point of view, on a projected harbour at Lowestoft, with water communication between that place and Norwich, and his report was highly approved.

These engagements did not prevent him from continuing to be of service to the Gloucester Canal. On the contrary, they gave him experience, as did also visits which he paid to Hull, Goole, Liverpool, and the Thames, for the purpose of examining their basin, wharf, and warehouse accommodation and docks. In short, he omitted no means of obtaining information which might be of use.

With the view of making the Gloucester scheme

better known, he also took shares in the Birmingham Canal (with which he was afterwards so long connected as director and chairman), and in the Worcester and Birmingham Canal, Birmingham being a place for which it was expected to deliver and receive cargoes at Gloucester. For the purpose of improving the communication between Birmingham and Gloucester he likewise set on foot a plan for extending a branch from the Worcester Canal to Gloucester, so as to avoid the Severn, the navigation of which was often difficult. The project, however, was stopped by the great monetary crisis of 1826, which spread ruin throughout the country. The Gloucester Canal was, notwithstanding, successfully completed and opened for traffic in April 1827.¹

These undertakings comprise the whole of the engineering work in which he took part, for about this time his energies were diverted into an entirely different channel.

Among the numerous failures occasioned by the monetary crisis of 1826 was that of the bank of Turner, Morris, & Turner in Gloucester. This bank stood high in point of credit, and its notes were the chief circulating medium of the county. The partners were wealthy landed proprietors, greatly and deservedly respected, and the bank was considered "as good as

¹ The canal was originally designed for vessels carrying 400 tons only, but cargoes of 1200 tons are now safely brought up to Gloucester, and even larger vessels will probably soon make use of the canal. The traffic, though fluctuating, has increased largely since the opening, as the following figures show, the principal trade being in timber and grain :—

| | | | |
|------------|---------------|------------|---------------|
| 1827 . . . | 106,996 tons. | 1867 . . . | 484,802 tons. |
| 1837 . . . | 393,592 " | 1877 . . . | 681,100 " |
| 1847 . . . | 654,714 " | 1887 . . . | 613,625 " |
| 1857 . . . | 418,470 " | 1896 . . . | 776,497 " |

Altogether it may be said that the undertaking has justified its existence. In 1874 the company purchased the Worcester and Birmingham Canal, and in the same year the name of the concern was changed to "The Sharpness New Docks and Gloucester and Birmingham Navigation Company."

the Bank of England." Yet at the first rush of the tempest it sank before the blast.

Captain Nicholls had known the partners intimately, and, although owning only a small deposit at the time, he was appointed, with two other gentlemen, to investigate the affairs of the bank and report thereon. The accounts showed that there ought to be a large surplus, over £100,000, after every liability should have been discharged, but the actual amount would, of course, depend on the way in which the assets were realised. The cause of the stoppage was evidently too great a liberality in making advances, especially in regard to building speculations at Cheltenham. In conformity with a strong feeling that the bank should, if possible, be assisted out of its difficulties, negotiations were opened first with Mr. Montague, and then with Mr., afterwards Sir John, Gladstone, of Liverpool (father of the Right Hon. W. E. Gladstone), who was then residing with his family at Gloucester, and with whom Captain Nicholls had become intimate, and arrangements were made for reopening the bank under the name of Turner, Gladstone, Montague, & Turner, Captain Nicholls himself consenting with extreme reluctance, and only upon the earnest solicitation of Mr. Gladstone, to become a member of the firm. At the last moment, however, the scheme fell through, owing to differences between the other partners; and all probability of his ever having to take up banking as a profession seemed to be at an end.

Nevertheless, such was not to be his fortune. He was not a man to desert a cause at the moment of difficulty, and he soon found himself more involved in banking than ever. The announcement that the bank would not be reopened caused general consternation. The prosperity of the district was involved, and he turned his mind to devise a way out of the difficulty. An Act had recently been passed enabling the Bank

of England to establish branches, and it appeared to him that the circumstances existing in Gloucester were such as to call for the exercise of this power. He accordingly drew up a strong statement of the case and caused it to be submitted to the Bank of England directors. This led to a correspondence and to his being invited to attend at the Bank; and it was ultimately determined to establish a branch at Gloucester in the old premises. And he was thereupon informed that he might, if he chose, be appointed agent with a salary of £1000 a year. But he doubted his qualifications for the office; for although he had paid a good deal of attention to the scrutiny into the affairs of Turners' Bank, and had afterwards spared no pains to acquire information on banking matters generally, he thought that the charge of a branch of the Bank of England required a greater practical knowledge of details than he could pretend to possess, and he therefore declined to make the application.

The branch at Gloucester¹ was the first formed under the new powers, and by the desire of the directors he was placed in close communication with the agent, and thus had full opportunity of seeing its working and the manner in which the business was conducted. Whilst thus occupied—not without attention to the affairs of the Gloucester Canal, which was approaching completion and required a good deal of preparatory arrangement—he was not lost sight of by the bank directors. It appears, indeed, from the correspondence of the time, that his friend Mr. (John) Gladstone was anxious that an agency of some one of the principal branches, which were now beginning to spring up in the large towns, should be offered to him. But he himself seems to have adhered to his resolution which has already been mentioned, and to have made

¹ The Bank of England branch was closed in 1849 on removal to Bristol.

no advances in the matter, though it is clear that he now considered himself competent to hold such a post.

Under these circumstances he can hardly have been surprised when, in the autumn of 1826, apparently on Mr. Horsley Palmer's recommendation, he received an offer from the bank, through that gentleman, of the agency of a branch which was shortly to be opened at Birmingham. As a cheerful reminder of the doubts which he had formerly expressed as to his ability, he was further told that the banking business of Birmingham was peculiarly difficult to manage, owing to the extent and nature of the paper accommodation which prevailed there. He had, however, gained confidence and experience in the interval, and at once accepted the offer, and was duly appointed at a salary of £1700 a year, with a house and other privileges. The bank required securities for £20,000, for which he was informed they would accept satisfactory personal guarantees. But, as he told the directors, he had never asked any person to stand surety for him, and disliked doing so; and he accordingly deposited the amount in stock. This, though inconvenient to him, by locking up so much capital, proved to be of considerable advantage, both with the bank and with the public, inasmuch as it showed that he was a man of independent means, and not a mere annuitant.

In the last week of December 1826 Captain, or, as he may now be called, Mr. Nicholls, removed with his family to Birmingham, to the bank premises in Union Street.¹ By January 1, 1827, the supply of notes and treasure had arrived, the books were pre-

¹ In 1830 they went to live outside Birmingham, at The Friary, Handsworth, but returned into the town in the autumn of 1833. On removing to London in September 1834, he may well have thought that his constant shifting of residence was at an end, and that he might look forward to a settled habit of life. His mission to Ireland, however, took them all away, for four years, in September 1838, and it was not until 1842 that he finally took up his abode in Hyde Park Street.

pared, the sub-agent, Mr. Amory, and the clerks were at their posts, and the Birmingham branch of the Bank of England was opened for the transaction of business.

"It was a day," he writes, "of anxious solicitude to myself; and also of considerable interest to the public, who were waiting to ascertain the principles on which the business would be conducted. The failures which had taken place in Birmingham and the surrounding district had almost annihilated commercial credit, and caused great embarrassment and distress to traders of every description. The ironmasters of Staffordshire in particular were subject to serious difficulties by the inability or unwillingness of the existing banks to discount their paper or afford them the usual banking accommodation, and they hoped for some relief in these respects from the new establishment, as did indeed the traders and manufacturers generally. The opening of the bank was therefore a matter of general interest, and our early proceedings were closely scrutinised. The system of management was, of course, prescribed by the authorities in London, but much was necessarily left to the agent's discretion; and I am happy to say that, on the whole, opinion was decidedly in our favour. We could not fulfil all that was expected of us, nor accede to every application; but we did a good deal towards relieving the existing pressure, and the opening of the Birmingham Branch Bank is still (1857) spoken of in the iron-trade as an event of great public benefit."

It was not to be expected that the branch should at once become universally popular, and certain sections denounced its procedure as stiff, antiquated, and overstringent; but the management could afford to disregard these denunciations, and business steadily increased. The other banks were at first jealous of the new competitor, and to some extent not without reason; but there were countervailing advantages, and before Mr. Nicholls quitted Birmingham all the banks within a circuit of fifty or sixty miles had opened accounts with the branch, adjusted their balances by drafts upon it, and were generally on the most friendly terms.

As a matter of course, he was soon drawn into local affairs. Birmingham, however, in 1827 was very unlike Birmingham in 1897. Large and busy town as it was,

with a population of over 130,000 (nearly quadrupled in the intervening fifty years), it was still governed as if it were a village, by a Court Leet and two Bailiffs or Constables. The High Bailiff was selected from the members of the Established Church, and by courtesy presided at public meetings and on similar occasions; but the real power was vested in the Low Bailiff, who was always a Dissenter, as were also a majority of the members of the Court Leet. A select body, entitled the Town's Commissioners, of which, again, the majority were Dissenters, was appointed by the Court Leet, under a special Act, to superintend the lighting, cleansing, and improving of the town, and of this body, at the end of a year or two, he became an active member.

The first thing, however, to which he earnestly addressed himself, outside his professional duties, though it in a manner naturally arose out of his new avocation, was the establishment of a savings bank. Two previous attempts had failed, he was told, on account of the peculiar circumstances of the town and the character of the people. His proposal to try once more was therefore rather unfavourably received, especially by the private bankers, some of whom objected on political and general grounds, in addition to the particular objections founded on local circumstances. He determined nevertheless to persevere, and in a short time got a few to join him. The beginning was made in a very humble way, in a small room in Cannon Street, all expenditure being avoided which was not absolutely necessary, and for this the promoters made themselves individually responsible. In the course of a very few weeks the success of the undertaking was no longer doubtful. Depositors flocked in in great numbers to lodge their small savings, and the institution went on increasing in importance till it became one of the largest and best-managed savings banks in

the kingdom. He constantly attended whilst at Birmingham, and in this way became known to a vast number of the working classes, who were rarely backward in speaking to him of their own affairs, and of whom he soon formed a very favourable opinion. The trade of Birmingham was, and is, almost infinitely varied, comprising every species of manufacture, and this circumstance, in his judgment, imparted a readiness or adaptability extremely advantageous to the position and character of the people.

“In no other place,” he says, “will, I believe, be found so large a number of highly intelligent workmen in proportion to the entire number employed as is the case in Birmingham.”

To the end of his life he continued to receive the annual reports of the savings bank, and to take a deep interest in its proceedings.

About the same time he seems to have failed in an endeavour to establish a friendly institution in the town, to be coupled with the savings bank and worked by the same machinery. For this purpose he adopted the rules of a similar institution which had been started at Southwell when the success of the reforms in that parish was assured; his feeling having been that it was extremely desirable to assist the working classes to provide for themselves a staff upon which they might rely in times of calamity, when the one which the parish had hitherto afforded them had been withdrawn. The rules, however, which he had always thought too complicated, and which had been compiled by Mr. Becher, proved unworkable in Birmingham, and to his great regret he was under the painful necessity of calling a meeting and announcing the fact, taking all the blame upon himself. Writing on this subject in 1834 he says:—

“At present the call for such an institution is in a great degree superseded by the Act of last session, empowering the trustees and managers of savings banks to grant annuities to

the working classes. This ever seemed to me all that was really called for at the hands of Government, and if the Act was simplified in some of its details, and the contract for the annuity was not left optional as at present, but made binding on the parties, it would, I think, work well and leave little to wish for."

It may be imagined with what interest he would now view the subsequent development of the great friendly societies, and what confidence he would place in their ability, if given a fair chance, to solve the question of old-age pauperism, as they have so largely assisted in solving that of able-bodied pauperism.

After a time he was elected one of the committee of management of the General Hospital, and was thus led to participate in the duties connected with the Triennial Musical Festival, the profits of which went to the hospital.¹

This double connection, with the Musical Festival (through the hospital) on the one hand, and with the Town's Commissioners on the other, afforded yet another field for his activity, in conjunction with others, in a matter of some interest both public and personal.

From what has been already stated it may be surmised that party distinctions were strongly marked in Birmingham, the High or Church party being directly opposed to the Low or Dissenting party. What one advocated the other decried, and there was little intercourse between them. There were, however, a few liberal Churchmen and a few moderate Dissenters, who kept aloof from the extremes of either side, and with these Mr. Nicholls allied himself, endeavouring, not without success, to bring together and combine the hostile parties for the common good. Now, among the many subjects of difference which existed, there were

¹ It is worth mentioning that he also became a member of the Society of Arts, and took an active part in providing the building in New Street for the exhibition of pictures and statuary. He was always fond of pictures.

two, in both of which he, like others, was interested, namely, the matter of the Musical Festival and the matter of Town's Meetings. For both of these purposes better building accommodation was urgently required, but the want of unity between the parties would very probably have prevented its provision, at anyrate for a long time, and even then possibly in a less satisfactory way than was actually the case, had not a project been devised in the furtherance of which it was found possible to enlist the sympathies of all.

Public meetings in Birmingham had hitherto been held either in the old Parish Church, or (strange as it now appears) in a certain large livery stable. The Musical Festival, on the other hand, had always been held in St. Philip's Church, which was also notoriously insufficient. Under these circumstances it is hardly to be wondered that a scheme was set on foot for providing a building which would be creditable to the town and suitable for both purposes; and, from Mr. Nicholls' Autobiographical Memoir, he seems to have been the most active agent in urging the leaders of both parties to concur in adopting such a course. He, characteristically, did not put himself forward in the matter, contenting himself with getting the thing done; but his account of the affair, written in 1857, not for publication, is perfectly clear, and, from inquiries made by the writer, there seems no reason to doubt it. His own concluding words on the subject are as follows:—

“The part I took in the matter was not generally known, but Mr. Moore, and others of the older hands who were behind the scenes, in speaking to me about it, usually called the Town Hall ‘my building,’ and I am not ashamed of the paternity, although my claim to it rests rather upon the setting on foot than the completion of the work, and may therefore be readily impugned. I do not wish to overstate my own doings in this or any other matter, but I believe I may say with perfect truth that, if I had not taken up the question as I did, the thing would not have been done,—at least not at that time.”

The result was the noble building familiar to all who know Birmingham, and no apology is needed for placing on record this instance of his power of inducing people to work together for a common object.

He mentions another case, not successful in its issue, in which he played a leading part in the combined action of both parties for a particular purpose. This was the important question of the proposed transference of the East Retford franchise to Birmingham in 1830. He was one of three persons (the two others being one a Dissenter and the other a Churchman) appointed at a town's meeting to prepare a Bill, and take all necessary steps in conjunction with Mr. Tennyson, afterwards Mr. D'Eyncourt, for accomplishing that object; and the words in which he confesses himself disappointed at their failure are interesting as indicating the width of view already taken by him upon public questions, whatever may be thought of the correctness of his judgment in this particular matter. He says :—

“ Had the thing been done as we proposed, and if, as I strenuously urged upon Sir Robert Peel at the time, the principle of adaptation had been recognised, so that, as one borough lost the right of representation,—by falling into a state of desuetude, as in the case of Old Sarum, or by corruption, as in the case of East Retford,—the franchise should be transferred to some other place which had grown into importance, and was not represented, such as Manchester, Leeds, or Birmingham,—if the Government had boldly adopted this principle, it would have satisfied the country, and perhaps indefinitely postponed the universal cry for reform which shortly afterwards broke forth, and ended in the sweeping measure of 1832, which, however beneficial in its subsequent results, certainly put our cherished institutions to some hazard at the time—a hazard that might have been prevented by timely concession. Such, however, was not to be; and in this, as in so many other instances, the permanence of the structure was endangered through the want of timely reparation.”

It had not been long before Mr. Nicholls' intimate acquaintance with Birmingham affairs led to his being

introduced by his friend, Mr. James Loch, to Sir Robert (then Mr.) Peel, who was at that time Home Secretary, and who wished for trustworthy information as to the general condition of the district. This was the beginning of an intercourse which continued, with feelings of high regard on both sides, down to Peel's death in 1850, and the discussion of all kinds of subjects with a man of so much elevation of character and intellect must from the first have had a marked influence upon Mr. Nicholls' own knowledge of affairs and general attitude of mind, and have materially assisted in fitting him for the arduous and difficult duties upon which he was now soon to enter.

Though not strictly to the point, the following letter from Peel to him is interesting in itself, and may serve to show the nature of their relations at this period :—

“WHITEHALL, *March 24, 1831.*

“MY DEAR SIR,—I understand that many of the most intelligent and respectable gentlemen of Manchester entertain opinions similar to those which you have expressed as to the effect of giving so general a right of suffrage as that contemplated by the present Reform Bill.

“I always feared that this very question—the extent to which the right of suffrage ought to be given—would be a cause of bitter contention in such places as Manchester and Birmingham, whenever the privilege of returning members should be conceded to them. Conceded it must be, I have no doubt, and my earnest wish is that it may add to their prosperity, and promote their peace and happiness. I am convinced that the determination of the qualification of the electors is a more difficult and a more important question than the concession of the right to return members.

“Qualify 15,000 or 16,000 voters¹ in such a place as Birmingham, and, when the moment of political excitement shall arise, passion and the Press will overpower the influence of landlords, the influence of character, the influence of all that constitutes the just and natural aristocracy, and Birmingham will be misrepresented by some such demagogues as those that have been lately organising and attempting to wield the

¹ The five members for the five divisions of Birmingham are now, in 1897, returned by a total of 57,000 ; or, if Bordesley and Edgbaston are included, the total is nearly 82,000 electors, with seven members.

physical strength of the place. Yet, on the other hand, when the whole question has been once opened, when the King's Government has actually proposed, with the King's sanction, to confer a privilege on such a mass as that which will be entitled to vote under the present Bill in Birmingham, I much fear the time for sober discussion has passed away, and that the attempt to restrict the privilege will give you a foretaste of the happiness and harmony you will enjoy when it shall be fully conceded.—Believe me, my dear Sir, very faithfully yours,
ROBERT PEEL."

Altogether, the communications between the Minister and the banker seem to have ranged over a wide variety of subjects,—from politics to pictures, and from estate management to magisterial appointments. Upon the latter delicate matter Mr. Nicholls was consulted privately by Sir Robert and the Lord Lieutenant (the Earl of Warwick), more particularly on the occasion of an increase in the number of magistrates. He records that the ground on which he made his recommendations was that the individuals to be appointed should, from character and position, be calculated to impart dignity to the Bench, not to derive importance from it. As at Southwell, his own name was included in the commission; but he never acted in either place.

The commencement of his official connection with Poor Law administration, destined to occupy practically all the rest of his life, was now approaching; but, before passing to that subject, mention must be briefly made of an event which, if it had issued as was proposed, would probably have prevented that connection altogether.

He had not lost touch of Mr. John Gladstone, but had continued to maintain with him a correspondence, chiefly on mercantile and financial matters. Mr. Gladstone, a man of great activity of mind, had long been occupied in working out a scheme for a comprehensive system of commercial agencies connecting England and the East. The two principal establish-

ments were to be in London and Liverpool, and possibly another at Glasgow. Branches were to be formed at Bombay, Madras, Calcutta, Singapore, and Canton, the nucleus of which already existed in the three first-named places. A proposal was now, in June 1833, made that Mr. Nicholls should join the proposed firm (the existing house of Gladstone & Co., which was principally concerned with the West Indies, being kept distinct) as a partner upon equal terms ; each partner being at liberty to introduce a son.

The time seemed favourable for such an undertaking, many of the older houses having been severely shaken by recent events ; and the proposition was very tempting, and held out prospects of great wealth. After careful consideration, however, and after consulting his friends, Horsley Palmer and Charles Grenfell, Mr. Nicholls eventually, in September 1833, declined the offer, partly on account of the risk, partly for family reasons, and partly, no doubt, in consequence of the warm expressions of satisfaction with his conduct expressed on the part of the bank so soon as the idea of his resignation was mentioned. Mr. Horsley Palmer, for instance, a man well qualified to judge, writing after the matter had been settled, says :—

“ I hope that you may have no cause to repent the course you have taken. If any agent can maintain the influence of the bank in his immediate neighbourhood, I really believe, without meaning to flatter, that you are the man.”

About the same time he was invited to become a partner in the bank of Moillett & Son, on equal terms, with the right of introducing his own son as soon as he was of age. This offer, too, he refused. He preferred the comparative liberty of his present position ; nor did his only son (who afterwards took holy orders, and became well known in the Forest of Dean until his early fatal illness caused his retirement) give any special indication of possessing business qualities.

It must indeed be clear, from what has been already stated, that the bank had found an agent possessed of a considerable gift of impressing the minds of others with his integrity and ability, and also well qualified, in spite of his previous want of training, to conduct the business of the branch. An improvement originated by him, small, perhaps, in itself, but of some importance when adopted universally, may be here referred to. It was merely the simple expedient of making the branch the medium for receiving and transmitting the taxes to the credit of Government at the Bank of England. The accounts which all the surrounding bankers kept with the branch made this operation both easy and economical,—in fact, advantageous to all parties; and he had the four district inspectors of taxes repeatedly with him in Birmingham to organise the details. Some changes in the arrangements, as at first made, took place afterwards in consequence of local difficulties; but the principle of making the branch bank the recipient of Government money was adhered to, and was extended to the other branches of the Bank of England throughout the country.

In every respect the business had become large and highly important, and required not only a daily, but an all-day attention, which could only be given by an agent residing on the premises; and, upon the bank making this a general regulation applicable to all their branches, he came back into the town with his family in the autumn of 1833, the house being enlarged for the purpose. His life must now have seemed very full, and he must have taken pleasure in the consciousness of doing his work well, and being of public utility in many ways. Yet he felt himself capable of even more, and was not altogether satisfied with his professional occupation, in spite of certain special features which somewhat relieved its routine. The Birmingham branch had been one of the earliest established, and the agents

or sub-agents of most of the others, as they were successively appointed, had been sent to Birmingham to be indoctrinated in the mysteries of banking. He says :—

“ This imparted a degree of interest to what would otherwise have been dull and monotonous enough ; for mere banking—that is, the receipt and payment of money and the discount of bills—is, of all the associations with which it has been my lot to be connected, the least interesting and intellectual ; I think I may also add, the most narrowing and restrictive in its influence on character.”

It must not be supposed that in all these various duties, official and social, his mind did not sometimes revert to the question of the Poor Law. Public attention was then much directed to the subject ; he was in correspondence with Mr. Scarlett and Mr. Nolan, and he discussed it more than once with Sir Robert Peel, who, however, was not hopeful as to the possibility of effecting throughout the country results similar to those described in the *Eight Letters of an Overseer*, as having attended the Southwell reforms, although he admitted that it was extremely desirable that some attempt of the kind should be made.

The remarkable events narrated in the *Eight Letters*, moreover, were not unknown in Birmingham, neither was the authorship of the letters ; and this led to his being occasionally referred to by the overseers of the poor on matters connected with the duties of their office. The effect of this, and of his discussions with Sir Robert Peel and others, was naturally to keep up the knowledge on Poor Law matters which he had acquired at Southwell ; and in some respects to extend his information as to the working of the law under circumstances widely differing from those of a quiet little country town.

It appears to have been as early as the summer of 1832 that the interview took place from which the

renewal of his practical connection with Poor Law administration may be dated. One morning, about that time, a gentleman called upon him at the bank, who proved to be Mr. John W. Cowell, one of the Assistant Poor Law Inquiry Commissioners, and who asked for information on the operation of the Poor Laws. Upon being recommended to visit Southwell, where he could see and judge for himself, he replied that he had just come from that place, where he had examined the workhouse and the parish officers, and now desired further information as to the origin and progress of the reforms. Upon being thereupon told that if he had seen the workhouse master, Wass, and the assistant-overseer, Bausor, and had inspected the workhouse, the only additional source of information which could now be suggested was the *Eight Letters*, he replied by drawing the pamphlet, scored and noted, from his pocket! The fencing on Mr. Nicholls' part was here at an end, and the two talked unreservedly on the whole subject, Mr. Cowell remaining for two or three days with him in Birmingham.

From a pamphlet¹ published by Mr. Cowell in 1834, by way of refutation of Mr. Becher's claims to have been the originator of the Southwell reforms, the following passages, relating to this visit, are taken.

After stating (p. 32) that he went out of his way many miles to call upon Mr. Nicholls on this occasion, he continues :—

“I certainly found that gentleman completely indifferent to the credit of having been the real parochial benefactor of Southwell. . . . I submitted to the Commission, on the 10th of September 1832, in a paper, the substance of which is to be found in the volume containing Messrs. Cameron and Wrottesley's and my reports, a plan for amending the Poor

¹ “*A Letter to the Rev. J. T. Becher.*” London : J. Ridgeway & Sons, 1834. It is not necessary to revive this unpleasant controversy, which Mr. Nicholls always treated as of comparatively little importance ; but there is ample evidence that Mr. Cowell's conclusions were correct.

Laws, very similar to that which they have since recommended to the Legislature.

"I cannot say that this was actually the joint production of Mr. Nicholls and myself during my visit to him at Birmingham, but it was, in a great measure, the result of our discussions on the subject, and I have now lying before me some minutes of his suggestions, which I made on the 25th of July in that year."

And he goes on to declare his full conviction, founded on his personal inquiries at Southwell, and upon his examination of Mr. Nicholls, that the parish of Southwell owed everything to the plan of the latter, and nothing, as far as he could perceive or learn on the spot, to anyone else.

The reader of the History, to which this biography is prefixed, will be able to judge for himself how far the main lines of the Inquiry Commissioners' Report coincided with the principles adopted at Southwell; but it seems advisable to draw attention to the fact that Mr. Cowell's paper, above alluded to, was the outcome not only of what he learnt in that parish, but of his discussions with Mr. Nicholls after the latter's experience had ripened by extended contact with men and affairs.

During the progress of the inquiry, reference was occasionally made to him by Mr. Cowell and by the Commissioners on points of principle or practice, and it was at their request that he drew up the MS. statement referred to at p. xii, note, *ante*, which he was urged but declined to publish.

In due course the Poor Law Amendment Bill was introduced and passed the Commons, and had advanced through its principal stages in the Lords, when Mr. Nicholls received the following letter from Lord Melbourne, who was then Prime Minister :—

"DOWNING STREET, *July 29, 1834.*

"SIR,—As it is now probable that the Bill for the Amendment of the Poor Laws will shortly receive the Royal assent, it becomes the duty of the Government to consider to whom

they shall intrust the very important and difficult task of carrying the provisions of the Act into execution. It is impossible not to feel deeply the responsibility which this selection will impose upon His Majesty's Government, and not to be also aware that the large and new duties which they will have to perform will require from the Commissioners the utmost caution, prudence, and circumspection.

"In looking round and considering who are qualified by previous knowledge and experience for the office, I see no one whom I should pronounce more likely to fill it with firmness and discretion than yourself, and I should therefore wish to be informed whether you would be willing to undertake it. It is at present proposed that the salary should be £2000 a year.

"Any other explanation which you may require I shall be happy to give; and allow me to add, that I shall be desirous of receiving an answer at your earliest convenience.

"(Signed) MELBOURNE."

Mr. Nicholls had reason to expect some such communication. He had been informed by Mr. Cowell, so long before as February 11, in a letter giving an outline of the plan as regards the proposed Central Board, that the latter "had this day taken the liberty of naming him as a person of all others the fittest" to be one of the three new Commissioners. He was aware, too, that a memorandum upon the report of the Inquiry Commissioners, and his Southwell unpublished pamphlet, had been viewed with very high favour by Mr. Nassau Senior, and others; and although he had, in his usual independent way, written to Mr. Cowell objecting to anything like backstairs influence being brought to bear in his behalf, he had not expressly stated that he would refuse to entertain the offer if made.

When the offer did come, however, he was of course placed in a position of some perplexity. He was not a rich man, and he was obliged to take thought for the welfare of his family. He afterwards learnt, indeed, that the Government, who had originally intended to propose a salary of £1000, had doubled that sum upon being informed by the Bank of England authorities (of whom they inquired as to the likelihood of his accepting

the post) that if they wanted him they must bid high for him, since he possessed the confidence of the bank, and was content where he was. As a matter of fact, upon his consulting the directors they offered to guarantee him, if he would stay, a salary of £2000 a year and emoluments equal to about £500 more. And he naturally felt reluctant to give up so respectable and assured a position. His letters to his wife, written from London, whither he at once proceeded, are full of unusual hesitation. He consulted Sir Robert Peel, and received the following prophetic reply :—

“I am very glad that the offer of the Commissionership has been made to you, because the offer itself is a great compliment, honourable to yourself, and satisfactory to all your friends. If you were not actively employed in a very creditable and not disagreeable pursuit, I should advise you to accept the offer ; but when the acceptance of it necessarily implies the relinquishment of another occupation, many considerations enter into the account, so much connected with personal feelings, with the ease and comfort not only of a man’s self but of his family, that the advice of others incapable of duly weighing these considerations cannot, I fear, be of much avail.

“The salary for the Poor Law Commissioner appears to me very small, reference being had to the nature and extent of the duties, and the responsibility they involve. The importance of the station would, to many persons in affluent circumstances, be a sufficient reward. But a person of limited means, and with a family, must consider the expense of breaking up one establishment, and forming another in London. The office is not a *step* upon the ladder of promotion. The greater skill the holder of it shows in the performance of its duties the more valuable will he be in that particular station, so valuable that his transfer to a higher is almost precluded while the necessity for his services in this office shall endure. I really believe the man who shall prove himself unfit will be more likely to get advancement—at least, not to be a fixture—than the really valuable Commissioner.

“The appointment will, I have no doubt, endure for many years, and a man may feel very confident that, so far as his retention of that appointment depends upon himself and upon his own zeal and efficiency, he may safely count upon its permanency. But men with the best intentions may differ, may have conflicting views as to the best mode of executing the duties of the Commission ; and considerations, not merely

of personal comfort and honour, but of the public service, may possibly compel a precipitate resignation. If you are to be mated with two colleagues, each of whom has been a *Commissioner of Inquiry*, I think you will find, practically, that your colleagues will have, from that circumstance, a weight and authority in the Commission which it will be difficult for a person, without such previous advantage, to acquire. The main considerations, however, are the relative advantages of your present office and of the one that is offered to you, and the expense which the acceptance of the latter will entail."

After anxious, but hasty, consideration he determined to decline the offer, and went to Downing Street to say so. But Lord Melbourne seems, with the instinct of a leader, to have read his man at once, and cut short the commencement of his refusal, assuring him that the Government knew they were conferring no favour upon him by the offer, but asked him as a favour to them to accept it. They and the country stood in need of his assistance in carrying out a measure of great national and social importance, and the appeal was made to his patriotism not to withhold his aid.

To such an appeal such a man could make only one reply, and the offer was at once accepted, although it was only an hour or two previously that Mr. Nicholls had assured the directors that he would not quit the bank service! He was informed that it was proposed to give him Mr. John Shaw Lefevre¹ and Mr. Frankland Lewis¹ as his colleagues, if he did not object, as, of course, he did not; and the matter was thus settled, it being subsequently agreed that the expenses of

¹ Both of these gentlemen were strangers to Mr. Nicholls at this time.

Mr. Lefevre, afterwards Sir J. Shaw Lefevre, K.C.B., was thirty-seven years of age. He does not appear to have filled any responsible official position before being appointed Poor Law Commissioner. He was subsequently one of the first two Civil Service Commissioners, Vice-Chancellor of London University, and from 1855 to 1875 Clerk of the Parliaments.

Mr. Lewis, afterwards Sir T. Frankland Lewis, was about fifty-three years old. He had sat in Parliament since 1812, during which period he had acted as Irish Revenue Commissioner (1821), Irish Education Com-

his removal to London should be defrayed by Government.

He parted, on very cordial terms, with the bank, and left Birmingham on September 15, 1834, after residing there for nearly eight years.

In the light of after events it may seem strange that he should have hesitated to enter upon the career for which he can now be seen to have been so well prepared, no less by his own disposition than by the rough school of life, and in which he afterwards did so much good work. He was not fond of banking; he had plenty of that courage which is ready to take responsibility, and one would have thought that the large field which opened before him would have appealed irresistibly to his ambition, both for himself and for the interests of his family. But he was nearly fifty-three, an advanced age for any man to enter upon an entirely new sphere of action. He had already had more change than falls to the lot of most men; and a steady, uneventful future must have had some attractions of its own. He was well and honourably known in Birmingham, and his wife's family belonged to the Midland counties. Official life in London would throw him and her to a great extent among strangers in society and in business; and he may well have apprehended that he might, in the latter connection, be regarded by regular Government officials, if not as a kind of interloper, still, as an outside man who had been irregularly brought within the mystic pale, to share the

missioner (1825-1828), Joint Secretary to the Treasury (1827), Vice-President of the Board of Trade (1828), and Treasurer of the Navy (1830). He was a careful and accomplished man, of formal habits, and, according to M'Cullagh Torrens (*Life of Lord Melbourne*, i. 327), somewhat verbose. He was succeeded as Poor Law Commissioner (in 1839) by his son, G. Cornwall Lewis; after which he seems to have held no important post.

Mr. Chadwick, afterwards Sir E. Chadwick, was appointed secretary by the Commissioners. For obituary notice, see *Times*, July 7, 1890.

prizes with the select and regular aspirants for office whose connections entitled them to expect appointments when any were to be had.

No doubt, if he had viewed matters merely with an eye to personal advantage, he would have jumped at the offer, and thereby gone some way towards justifying such petty feelings. But he was not made that way ; and Lord Melbourne showed himself a good sportsman when he based his appeal upon duty.

The task of setting the new machinery in motion was severe, and must have tried the whole staff to the uttermost. He was approached on several occasions by firms or individuals with propositions that he should quit this arduous public service, and enter into private engagements of a highly lucrative character.

"All such propositions," he remarks, "I of course declined without a moment's hesitation. The duties I was performing were, I believed, of the greatest importance, and even essential to the general weal, and this imparted to them a degree of interest infinitely beyond what would attend any private or individual pursuit, however profitable it might be in a mere worldly point of view. I felt that I was embarked in a great cause, to the furtherance of which all my faculties should be devoted, and I considered it would be a species of treason to permit any minor claims to divert or turn me from an earnest fulfilment of the duties which the cause required of me. In short, my heart was in it."

Of this initial period, and of his colleagues, he writes in his Memoir years afterwards :—

"My colleague Lefevre and myself agreed, I think, upon almost every point, and we worked together with perfect confidence and satisfaction. My other colleague, Frankland Lewis, although possessing considerable talent and experience, was yet so much of the old school, and so averse to incur the responsibility of any forward movement, that we had great difficulty in dragging him along ; and, if he had been permitted to have his own way, we should, I think, have remained almost stationary, instead of making head as we did against the evils for the putting down of which our board was constituted. The labour of the office was excessive and unremitting. But the

alarm caused by the continually increasing pressure of pauperism, joined to a somewhat exaggerated estimate of the powers with which the Commissioners were invested, enabled us to make a more early and considerably greater progress in bringing the new law into operation than could perhaps have been expected ; so that with the Government and the country generally our board was popular, and we were not backward in taking advantage of the tide which thus set in our favour. This, however, did not long continue ; for, like other tides, it after a time ceased to flow, and was followed by an ebb, against which we had to struggle as we best could."

The details of the proceedings of the Commissioners are given in the annual reports, which will be found sufficiently referred to in the body of this work. It is therefore not necessary to say much about the nature of them. No one, however, who has any practical acquaintance with Poor Law administration at the present day can fail, on reflection, to be struck by the foresight of the men who drew up the multifarious orders and regulations during the first few years. Modifications have, of course, been found necessary from time to time, as circumstances have altered ; but it is extraordinary to what an extent the "Three Bishops of Somerset House" and their secretary anticipated the points requiring provision, and the best mode of providing for them. It has been said that if there is anything more difficult than the making of laws, it is the bringing of them into successful operation ; and if ever there was a case in which the saying holds good, it is that of the Poor Law Amendment Act, 1834. The evils disclosed in the Inquiry Commissioners' report had become so great and so widespread that a measure of such a sweeping nature might have been expected to take many years in its introduction, and perhaps to stir up resistance leading to open riot on a large scale. That this was not the case, and that the country was in so short a time brought to acquiesce in the novel system, is no less creditable to those who, at the outset, superintended the administra-

tion than to those who laid down the principles and devised the framework of the measure. Mr. Nicholls was one of the very few who were concerned with all of these stages in the proceedings.

With his residence in London his family sorrows may be said to have commenced. The house he had taken at the Portman Square corner of Somerset Street proved defective in drainage. Fever broke out in the household, attacking Mrs. Nicholls, two of their daughters, Emily and Grace, and some of the servants. Mrs. Nicholls and the servants recovered, the former very slowly, not regaining her usual strength for some years, but the two girls, aged only seventeen and fourteen, died on the 19th and 25th March 1835, to the inexpressible grief of their parents, who were very much attached to all their children. Emily in particular seems to have been possessed of great gifts; her father writes that even at her early age "she entered into all my plans and pursuits, and was indeed almost a second self." There are drawings still existing which it is difficult to believe to have been the work of one so young. Both, too, had all the charm which beauty gives. This was the first real break in the family circle, and came as a terrible blow, felt even more perhaps than others which followed later.¹

They could not, of course, continue to inhabit the house in which these calamities had occurred; and he soon purchased the ground-lease of two houses in Hyde Park Street, numbered 17 and 16, now numbered 1 and

¹ Two other much-loved daughters died some years subsequently, but not before marriage had already removed them from the home. These were Catharine Harriet, wife of Mr. William Williamson Willink, died July 15, 1851; and Jane, wife of Rev. Peter Thomas Ouvry, died January 8, 1856. The Rev. Henry George Nicholls, the only son, died January 1, 1867, leaving issue. Another daughter, Charlotte, married William F. Wingfield, and died in 1880. Georgiana, the eldest of all these children, is still living.

3. They were neither of them quite finished at the time,—so little had the limits of London then extended,—and stood alone, with fields around them, but he removed into No. 17 as soon as it could be got ready, and, but for his absence in Ireland with his family, continued to reside there down to the day of his death, his son-in-law, Mr. Willink (father of the present writer), occupying No. 16, next door, from 1855 onwards.

While the new Poor Law Commissioners in England were hard at work bringing order out of chaos, the state of Ireland was calling more and more loudly for attention. The English chaos had been caused by the bad administration of a succession of Poor Laws. The problem of Irish poverty was equally involved in a chaos which might fairly be attributed to an absence of any Poor Law at all. There had been houses of correction for the ubiquitous sturdy beggar, foundling hospitals for the superfluous child, fever hospitals for the inconvenient person suffering from infectious disease. Dublin and Cork had even gone so far as to establish so-called “workhouses,” but down to the date of the Union the only persistent policy that could be traced, if policy at all there was, seems to have been a policy of stern repression of vagabondage on the one hand, and of encouragement of Protestantism on the other. (See *History of Irish Poor Law*, pp. 57-59.)

Nor had the years which had elapsed since the Union thrown any light upon the subject. Officers of health had been appointed, lunatics had found asylums, and relief works had been tried; things, however, seemed to show no signs of improvement. Yet there was no lack of official inquiry, issuing in reports of more or less value. A Committee had inquired in 1804, and reported. Another (Sir John Newport's) had done the same in 1819-20. According to them, the evils were due chiefly to a want of capital and a want of industry.

They deprecated State interference. Another Committee (Mr. Spring Rice's) had, in 1823, lamented the scarcity of employment and the reliance on the potato. They urged that it was the bounden duty of the State to interfere. A fourth Committee, appointed in 1830, in addition to the sources of mischief already detected, had deplored the improvident habits of the people and the excessive subdivision of land. They recommended, among other things (including encouragement of emigration and improved educational facilities), the adoption of a Poor Law system, either upon English or Scotch lines, with special modifications. One would have thought that the English system, at anyrate, would, as existing in 1830, indeed require considerable modification. Lastly, a strong Commission of Inquiry, appointed in 1833, had presented interim reports in 1835 and 1836 containing much valuable information, but making no definite recommendations, and adding nothing to what was previously known of the condition of the Irish poor.

Under these circumstances it is no wonder that public impatience was not allayed. The minds of many men in this country were directed to the subject, and pamphlets and discussions were abundant. Pending the publication of the Irish Inquiry Commissioners' final report, Mr. Nicholls, on the invitation of Government, prepared a series of suggestions founded upon a general review of social requirements, and upon his experience of the working of the English Poor Law. These suggestions were presented to Lord John Russell about the same time as the Irish Inquiry Commissioners' second report (in January 1836), and advocated the application to Ireland of the amended system of English Poor Law, with certain modifications calculated to guard against the evils which had sprung from the old law in England. The final report of the Irish Inquiry Commission, when it was made, about two months later,

was conceived in a different spirit. This will, with the reports already mentioned, be found summarised in the author's *History of the Irish Poor Law*, and need not be further referred to here, except that its multitudinous recommendations did not include the adoption of the "workhouse test," and made no provision for relief of the able-bodied poor except through voluntary associations aided out of public funds. Mr. G. Cornwall Lewis, it may here be stated, submitted to Government, in July 1836, remarks on the Irish Commissioners' final report, which were very similar in their conclusions to Mr. Nicholls' suggestions made in the preceding January.

At the end of June 1836 Mr. Nicholls had gone to Boulogne with his family for a few weeks' holiday, the first he had enjoyed for three years, when he received from Lord John Russell a letter, dated July 28, from which the following is an extract :—

"I am very anxious that a person thoroughly conversant in the working of the Poor Laws in England, and who takes an interest in the establishment of a sound system for the relief of the poor of Ireland, should proceed to that country and, with the Reports and Appendices of the Poor Law Commissioners for Ireland in his view, examine the question as one of early legislation and practical operation. There is no person to whom such an inquiry can be, in my opinion, so properly intrusted as to yourself.

"The chief difficulty to be encountered consists in the shortness of the time. Should you accept my proposal, I should wish you to leave London by the middle of August. The business of the Commissioners here, and the necessity of being prepared by the end of the year with measures for the consideration of Parliament, will not allow your visit to Ireland to be longer than six weeks or two months. But I hope that in that time, with the recommendations I shall give you, you will be able to form a judgment on the chief points to which I shall draw your attention."

Though in very indifferent health, Mr. Nicholls did not refuse this onerous addition to his duties; and, after receiving the promised instructions from Lord

John Russell (followed a few days later by an unofficial letter remarking that "the chief part of your instructions you must make for yourself"), he started for Ireland early in September, whence he returned at the end of October. In this journey he visited Dublin and the southern half of the island, besides Armagh and Newry. In his second journey, in 1837, presently mentioned, he went through Waterford and Wexford to Dublin, and then proceeded through the northern half. In both towns he inspected as many Houses of Industry and Mendicity Associations as possible, besides interviewing all persons capable of giving information whom he could find. He kept a most interesting journal of his inquiries and observations, and returned on each occasion confirmed in his conviction that the introduction of a Poor Law such as was proposed would be possible, and would be beneficial to the country.

That he entered upon his task with his eyes open is clear from these words, in a letter to his wife, dated August 14 :—

"It (the Irish journey) really is anything but desirable, and it will very probably end in my being made a kind of scapegoat; whilst the labour, responsibility, and anxiety will be quite enough for what Georgie calls my 'figurehead.' Well, I see it all—the danger, the difficulty, the little chance of success, the great chance of failure; but I'll go on resolutely, fearlessly, and, if I live, will hope to succeed. There shall be nothing wanting on my part, if the Government will be firm and do their duty."

In this spirit he commenced what proved to be far the most trying of his many undertakings, and in the same spirit did he carry it through, under difficulties which would have discouraged most men.

How little he was understood by some of his opponents may be gathered from the following extract from a letter addressed in December 1842 (when the attacks upon him were at their height) to the Poor

Law Guardians of the county of Cork, by Mr. Daniel O'Connell:—

“Judge of the fitness of this appointment. This Mr. Nicholls had been brought up in the naval service of the East India Company. He for many years commanded, with, I believe, integrity and skill, a large ship engaged in traffic between England and the East Indies. Mark this!—a sea skipper to regulate poor laws for Ireland!! If we were not divided among ourselves, . . . but no matter.

“Thus qualified, Mr. Nicholls was despatched to Ireland. He spent in investigating the state of the country an enormous length of time—‘to wit,’ as we lawyers say, about nine weeks!!!—rather less. The dates are these: Nicholls received in London his sailing orders for Ireland from Lord John Russell on 22nd August 1836. He visited Ireland, returned to England, and drew up, prepared, and gave in his full report before the 15th of November in the same year. Was the like of it ever heard? Alas! it could happen only in Ireland! save only in Ireland! He was whirled in a post-chaise, at the public expense, from Dublin to Cork, from Cork to Sligo, from Sligo to Belfast, and thence, I believe, by short sea to Glasgow; but, to be sure, ‘his eye in a fine frenzy rolling’ passed over all Ireland. He calculated the number of poorhouses, the number of paupers, the amount of expense, the quantity of rates; in short, he calculated everything, and was accurate in nothing. But his report was adopted, acted on, and our poor laws are the legitimate, the natural consequence. How I pity and despise the man who does not feel the force of this statement!”

The entire letter, which is very long, is as full of denunciations and misstatements as it is empty of practical recommendations. O'Connell's ultimate proposals were, in fact, to repeal the law altogether, and augment the medical charities; or, in the alternative, to make the poor-rate a graduated income tax, payable only by persons having an income of £500 a year and upwards.¹

¹ It is curious that O'Connell's attitude was one of opposition to any system of compulsory relief of the destitute at all. But he did not stand alone in this respect (see, *e.g.*, Mr. Scarlett's speech in 1821, *post*, vol. ii. 221); and the drift of a large portion of the body of the present History, from the quotation from Babbage on the title-page onwards, is to show the necessity for such a system—a necessity beside which all questions as to mode of relief sink into second place. O'Connell's alternative proposal is so opposed to the principle and spirit of any sound poor law as to require no comment.

It was indeed a strange thing that the "sea skipper's" report should be accepted, when so many others had been rejected. But such was the case; and after a year's interval, which was caused by the death of the King during the passage of the Government Bill, and which was utilised by sending Mr. Nicholls over to make a second report,¹ the Irish Poor Relief Act, framed almost entirely upon the lines laid down by him, but deprived of the anti-vagrancy clauses, to which he attached considerable importance, received the Queen's assent on July 31, 1838.

As a matter of course, he was constantly consulted during the passage of the measure. Politicians, upon whom the responsibility falls of framing laws, must necessarily avail themselves of the special knowledge possessed by men who have had practical acquaintance with the subject under consideration; and Mr. Nicholls' experience made his advice essential at every turn. It is clear, however, from his diary, that he was not only called upon for his opinion as an expert, but that he was the trusted channel of negotiation between all parties; and his time was much taken up by interviews of this kind. Interesting passages might be quoted in illustration of this, but it is enough for present purposes merely to draw attention to the fact, and to the large addition to his ordinary official work. In May 1838, for instance, besides that work, then very heavy, and besides having to attend at Westminster whenever the Bill was being discussed, he was obliged to attend appointments, and take part in consultations, with leading statesmen on the 6th, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 19th, 25th, 26th, 27th, and 28th of the month. He had to put spirit into the

¹ In company with Dr. Kay, Assistant Poor Law Commissioner (afterwards Sir J. Kay-Shuttleworth), he also visited Holland and Belgium at this time, to inquire into the systems of poor relief in those countries. The report, which is very interesting, was laid before Parliament. Part of it is printed in the *History of the Irish Poor Law*, p. 211.

members of the Government, and to argue with and convince opponents of the Bill, to which the Irish Peers and landlords were bitterly hostile. No wonder that his diary, on one day, part of which had been thus occupied, closes with the words: "It is fearful to think of the responsibility of this measure. I hope and believe we are right; yet the adverse opinions so generally prevalent in Ireland cannot but excite apprehension." His confidence, however, in the justice of the cause, and his firm grip of the principle, coupled with the recollection of what he had observed with his own eyes, sustained him, and enabled him to carry conviction into the minds of others.

The two reports and the Act are sufficiently set forth in the Irish History. The salient feature differentiating the latter from the English law is notoriously the absolute prohibition of outdoor relief. This prohibition, although temporarily relinquished during the terrible potato famine, and some years later definitely withdrawn, was yet generally approved at the time.

The letters to Mr. Nicholls at this period are full of praises and congratulations — from Mr. Lowe, of Bingham, James Loch, Pascoe Grenfell, Rev. T. O'Malley, Miss Edgeworth, Sir James Graham, Sir Francis Head, besides members of the Cabinet, and others.

Sir F. Head, then Lieutenant-Governor of Upper Canada, but previously Assistant Poor Law Commissioner in Kent, wrote from Toronto, in May 1837, that he had

"devoured every word of the Irish report. . . . There is no truth which my mind is more convinced of than that you and your colleagues have the most important duty to perform of any individuals on the surface of this earth. . . . As long as I live I shall regret having left your service, because it is the noblest I have ever been engaged in."

This from a man who had fought at Waterloo, and

whose adventures in South America had earned him the name of "Galloping Head" !

One letter, dated February 10, 1837, from Sir James Graham, who afterwards treated Mr. Nicholls so unfairly, is worth quoting in full :—

"I can never cease to feel the most lively interest in the discreet and successful administration of the amended Poor Law; and I have read, therefore, with pleasure the strong testimonial from Stoke-on-Trent,¹ which you have been so obliging as to forward to me. The test has been severe, and the measure has stood the proof. I never doubted its soundness; its power was so great that it required skilful hands to manage and control it; and you and your colleagues have more than justified the confidence reposed in you. I have read also your very able and satisfactory report on Ireland with great attention. I do not quite see my way without a law of settlement, the want of which will deprive destitution itself of the *absolute* claim to relief, and will leave mendicancy with an excuse, and, I fear, unchecked. In England you have introduced the poorhouse system *gradually*; because, where you did not introduce it, the old measure of parochial relief was in full operation. How you can begin with a *limited* number of workhouses in Ireland, and an *unlimited* claim for admission from the entire people, in the absence of a law of settlement, I do not clearly comprehend. I think the Scotch settlement of industrial residence, the absolute prohibition of vagrancy, the right of destitution to relief, and the full simultaneous establishment of unions throughout Ireland, would greatly improve the Government measure, and be in accordance with confidence in our own principles, distrust of which is marked in the faltering application of them as the Bill now stands."

The introduction of the new law into Ireland was intrusted, not to a new Commission, but to Mr. Nicholls himself, who was detached from his two colleagues in London and sent over, as representing the English Commissioners, to Ireland for the purpose, Government paying his expenses of removal and his house rent while in that country,—apparently more than he had suggested, judging from these words in a Treasury letter from Mr. Baring (September 1838):—

¹ See *post*, vol. ii. p. 327.

"It is rather out of my usual course to propose more than is asked ; but I am sure you would lose by your proposal, and I don't think it's economy or justice to make a good servant pay for doing the public business."

It was early in September 1838 that he left London with his family, and settled down at Lis-an-Iskea, near Black Rock, Kingstown, which remained their home till November 1842, although, in consenting reluctantly to undertake the task, he had stipulated that he should not be kept in Ireland for any length of time, but should only stay long enough to organise the earlier proceedings under the Act. Full support and assistance was promised. Lord John Russell seems to have consulted him as to the choice of his assistants, and laughingly engaged to come over shortly, when "he can be of some use in mediating between Nicholls the First and the Queen's Viceroy." No such mediation, however, seems to have been necessary. The Lord Lieutenant (Lord Normanby) treated him, he says, with the greatest kindness and consideration ; and Lord Ebrington (afterwards Lord Fortescue), who succeeded Lord Normanby as Lord Lieutenant in the spring of 1839, became one of Mr. Nicholls' best and warmest friends, never forsaking him at the time of the bitterest attacks. Lord Morpeth, too (afterwards Lord Carlisle), was his fast friend, while Secretary in Dublin, and ever afterwards. He it was who, in the discussion in the House of Lords, in February 1851, on the occasion of Mr. Nicholls' retirement, declared that, of all the men whom he had met in private and public life, Mr. Nicholls appeared to him to be the most honourable.

And, indeed, it was not very long before there was need of friends. The work of setting the law in motion was too great to be performed by one man. The unions had to be defined and formed, the number of guardians to be assigned, the sites for workhouses chosen, plans prepared, tenders obtained, contracts entered into, and

the erection of the buildings superintended. Besides all this, there were the important orders and regulations to be framed and issued as to elections, assessment, valuation, rating, accounts, and workhouse management. And Government were, rightly, no doubt, anxious for despatch. Unfortunately, as it proved, only one architect was provided, and the difficulty of properly controlling the construction of 130 workhouses scattered all over the country,—before railways had made locomotion rapid and easy,—could hardly fail to be attended by some expenditure which a larger staff could have avoided.

It was found impracticable to adopt the method advocated by Sir James Graham, and establish all the unions at once. The work proceeded by degrees, and as it proceeded so did party feeling grow; each election of guardians becoming a kind of battlefield, and the appointment of returning officer being always a centre of keen contention. To find persons, for this purpose, unconnected with party, was impossible; but the Assistant Commissioners were directed to do their best to give no ground for criticism, and their recommendations were, as a rule, acted upon. But partisan ingenuity contrived to get up a scandal at Clonmel, in a matter which now seems trumpery. Mr. Stanley, the secretary of the Commission in Ireland, had by accident written that a certain Mr. Butler had been “appointed” returning officer, whereas at the date of the letter he had only been “recommended,” though he was duly “appointed” a short time afterwards. The party to which Mr. Butler did not belong found out the mistake and made the most of it, and, indeed, he does not seem to have been a very fitting person, though recommended quite *bonâ fide*. Lord Glengall took the lead; and Mr. Stanley was dragged to the bar of the Lords (to whose House a return had been presented, repeating the mistaken statement), and denounced as a fraudulent

perverter of evidence. Mr. Nicholls himself, who had not been in Ireland at the time the original letter was written, was also called to the same bar and subjected to a long and hostile examination.

“For the examination itself,” he writes, “I did not care, having nothing to conceal, but I lamented it for the sake of the cause, which was seriously embarrassed and impeded by these manifestations of hostility in high places, and particularly by that of the Duke of Wellington, whose name and influence were made use of to damage the Commission and injure the working of the law. . . .

“I can truly say I felt more anxiety for the Duke than I did for myself on the occasion; for I was grieved and mortified that he should have allowed himself to be misled and made a tool of by a designing party, whose machinations were alike contemptible and mischievous. The result was poor Stanley resigned his office in order to avoid the censure of the House for a trivial error inadvertently committed, not by himself, it appeared, but by one of the clerks; and I returned to Ireland to continue the introduction of the poor law under difficulties which were greatly increased by what had taken place. Stanley was a great sufferer at the time, but I had afterwards the satisfaction of seeing him restored to his former position, with his character uninjured and a general admission of his truthfulness and integrity. He was indeed a thoroughly honourable man, and one of the most zealous and faithful public servants I ever met with; and it was lamentable to see a man victimised through the abominations of party intrigue, and more lamentable still to see the Duke of Wellington lending himself to such an injustice.”

This affair, and a previous one in which the Duke had formed an entirely wrong opinion, caused an estrangement between Mr. Nicholls and the Duke, which gave the former much pain, regarding the Duke as he did with feelings of the very highest esteem and admiration. The fact that their intercourse had previously been most agreeable made the change all the more trying. Writing long afterwards, he says:—

“It was very pleasant to transact business with the Duke of Wellington. He was so frank and direct, and so quickly made up his mind on every point, saying no more than what the occasion required. He always seemed to concentrate his

thoughts upon the immediate question, never mixing another with it, or turning from it till it was disposed of in some way or other. It was the same with his confidence. Once given, it remained full and entire until something occurred to shake it; and then, right or wrong, it was difficult, I fear impossible, to restore it. In my case, at least, it was so, for I tried every means in my power to convince him that the alteration I had caused to be made in the eighty-first clause on the passing of the Subsidiary Act (Ireland), in February 1839, was solely for the purpose of enabling me to carry his views with regard to the elections in electoral divisions into effect. His views as to the policy of making the electoral divisions separately chargeable were different from mine, and I had contested the point with him as strenuously as I could; but, it having been conceded, I felt the more bound to carry out his views as far as possible; and, but for the alteration referred to, this could not have been done. My desire to fulfil his wishes was therefore the cause of my losing his confidence. He had been persuaded differently, and that I had lent myself to the so-called Liberals, to whom the alteration would give an ascendancy. Never was anything more unfounded than such a supposition, both as to the motive and the effect. But the Duke had taken his line, and there was no turning him from it. Few things have grieved me more in my passage through life than the loss of the confidence of the Duke of Wellington, and my chief consolation under the loss was, and is, that I did not deserve to lose it."

The facts as to this misunderstanding were, briefly, as follows:—The Irish Poor Relief Bill, as first drawn and passed by the Commons, threw the cost of relief of any pauper on the whole union. To this there was much opposition, and the Duke refused his support in the Lords to the measure unless altered so that each electoral division should bear the cost of relief of its own poor. Mr. Nicholls strongly disapproved of this, considering that it savoured of "settlement"; but the Duke persisted, and the point was conceded, and the Bill so passed on July 31, 1838. Mr. Nicholls' apprehensions, however, were not unfounded (see *Hist. Irish Poor Law*, p. 288). On beginning to bring the law into operation some small modifications were found necessary, and a Bill was drafted, which passed the Commons on February 21, 1839. This

Bill was seen and approved by the Duke, who came down, though unwell, to the Lords and spoke in support of it. It passed the second reading there on the 25th February, was reported on the 26th, and to be read a third time on the 28th. At this juncture, on February 27, came an alarmed letter from Mr. Earle (an Irish Assistant Commissioner), stating that, in the opinion of Mr. Coode, the Commissioners' legal adviser, there was a serious ambiguity in sec. 81 of the principal Act on a point untouched by the present Bill, namely, whether a ratepayer having rateable property in more than one electoral division of a union could vote in each such division or only in one. The question had already been raised in two instances, and admitted of no delay. The difficulty arose in direct consequence of the Duke's own original amendment making each division liable for the relief of its own destitution, instead of spreading the charge equally over the whole union. Under these circumstances it seemed clear that such ratepayers ought to have votes for each division in which they paid rates, and this view was accepted by the Commissioners and by Government. A short clause was accordingly prepared, in some haste and apparently without consulting the Duke, perhaps because he was unwell,—but, after all, he was not a member of the Government,—and this clause was, under Lord Duncannon's management, passed with the Bill on its third reading on February 28. The Bill was next day returned to the Commons, "with amendments," and passed on March 8 without comment; and on March 15 it received the Royal assent.

The exact ground of the Duke's resentment is not clear. Probably it was complex. Partly, as appears above, he was persuaded that the clause would give an ascendancy to the so-called Liberals. But possibly his chief objection was to the irregular manner in which

the alteration was hurried through Parliament without his knowledge.

Nothing can, however, be clearer, both from Sir George's Memoir, and from his journal written at the time, than that the amending clause was honestly considered to be a necessary consequence of the provision as to divisional chargeability which had been enacted at the Duke's own instance.

Later, at the time of the Duke's funeral, he writes :—

“That was an impressive ceremony—impressive, not so much from the ceremony itself as for the sake of the great man who was the object of it. My respect and reverence for the Duke were not lessened by the injustice which I felt that he had done me, for I knew that in this he had been influenced by the misrepresentations of other parties. My sense of the injustice, however, seemed to give me an advantage over him. It detracted from his greatness and lessened the distance between us. I had something to excuse and forgive, and therefore stood relatively higher. My respect, my appreciation of his services, and, I think I may venture to add, my affection, were the same; but I was no longer oppressed by a consciousness of my own comparative littleness. I could even, as the party injured, look down upon the great man. In this direction, at least, I could do so, although how infinite are the shortcomings in every other. Great and eminent as the Duke was in most respects, it may, I think, be doubted whether he possessed in a high degree the faculty of reading character. Prudent, far-seeing, and determined in whatever he undertook, he had few sympathies, and relied little, if at all, upon anything higher than the strict rigid sense of duty in his followers. Those only were favoured by him who implicitly obeyed his directions. The high and generous impulse which on certain occasions would lead a man to do and dare beyond the bare lines of duty was unappreciated, perhaps unrecognised, by him. To obey and to exact obedience, cold, stern, and unbending, without sympathy or affection, constituted his system of action, both as a general and as a statesman; and his success in the former character, whilst it affords undoubted proof of his genius, shows at the same time how little the operations of war are influenced by human sympathies. It was in his character of a statesman that I was brought into contact with the Duke, and incurred his displeasure by acting in one instance independently of him; and although what I did was for the purpose of giving effect to his own views, it excited a prejudice against me which artful and dishonest partisans afterwards succeeded in turning

into decided hostility, for he shut his eyes to facts, and would listen to no explanation."

A letter of March 6, 1841, from Mr. Jones Loyd (Lord Overstone), may be quoted to illustrate the views of Mr. Nicholls' friends at the time of the Irish troubles :—

"... Now, one word of advice,—it is the privilege of friendship to take this liberty. I can understand what will be your feelings of indignation; they are natural and just. But don't betray either vexation or anger in the outset. Your proper triumph is in repelling an unjust attack with calmness and temper—that being done, then you may proceed to assert what is due to yourself and to the public; and tell the Ministers and the House of Lords that those who faithfully serve the public are entitled to expect in return both gratitude and honour; and that on those terms only can such services be retained. But alas! how universally true is it, that those who endeavour to do good must not mind abuse. This truth is verified every day and on all subjects. The Duke's mind, I have long been convinced, is under the influence of age and disease. Don't forget that fact, nor the allowances to be made for it."

Again Lord Morpeth writes, March 12, 1841, from London :—

"But I cannot bear any symptom of drooping coming for the first time over your pure and just spirit. If it does, who will be able to stand upright and face all these cutting and driving gusts which have their time and turn for coming thick about one? . . . I cannot encourage your writing to the Duke of Wellington. By all I can hear, he is not in a state of mind or health to bear touching. . . . May right prevail, and you, as one of its best representatives, always flourish."

This Clonmel episode occurred early in 1841. In September of that year the Whigs, after six and a half years of power, were succeeded in office by the Tories, with Sir Robert Peel as Premier, and the Duke of Wellington in the Cabinet. At the Home Office, Sir James Graham took the place of Lord Normanby, who had followed Lord John Russell. By this time Mr. Nicholls had been three years in Ireland, and the introduction of the new system was far advanced. He

had been originally told by Lord John Russell that he should be free to go and return as he might consider best for the public interest, and he began to feel that there was no need for him to stay in Ireland longer. By the midsummer of 1842 all the unions had been formed and organised; all the workhouses had been either built or were in progress of building; indeed, a hundred were in actual use, and it was expected that the remaining thirty would be opened within twelve months. Moreover, since the change of Government he had felt his position less secure.

Sir J. Graham had never been favourable to the Irish Poor Law, and received him at their first interview after his appointment as Home Secretary, in a way little calculated to inspire confidence, adverting to the Duke's hostility, the unpopularity of the law, and his doubts of its success. Mr. Nicholls was also harassed by frequent interferences and calls for explanation arising out of the encouragement given at the Home Office, either direct or implied, to charges and complaints, some as to the workhouses, and others respecting the unions or individual cases. The tone of the Castle, too, was not what it had been, and the public soon discovered that the Commissioner's influence there was on the wane, and that he might be thwarted or assailed with impunity.

Again, his friend Lefevre had retired from the Commission, and his place had been filled by a man of whom he knew little, viz., Sir Edmund Head,¹ an ex-Assistant Commissioner, and the personal friend of

¹ Sir Edmund Head, appointed by Sir J. Graham in November 1841, aged thirty-six, was a Fellow of Merton, and had been Assistant Commissioner since 1836. He was afterwards, first, Governor-General of New Brunswick (1847), and later, Governor-General of Canada (1854-1861).

G. Cornewall Lewis (afterwards Sir G. C. Lewis), was thirty-three at the date of his appointment. His subsequent career is well known; but at that time his experience had been chiefly gained by serving on several Inquiry Commissions, two of them in Ireland.

Mr. G. Cornewall Lewis (who had succeeded his father in December 1839), a scholar and an able man, who was destined to rise high.

Under all these circumstances he felt that, on his own account, as well as for the sake of the cause, he ought to return to headquarters and get his colleagues to take their share in the working of the Irish Poor Law. He gave ample notice of his intention to return ; no objections were raised, and by the end of November 1842 he again, with his family, took up his residence in Hyde Park Street, which remained his home till his death, twenty-three years later. About this time he wrote, but apparently never published, a short essay on the " Irish Question," in which he summed up the reforms advocated by him under four heads, viz. :—

(1) The *indissolubility of the Empire* should be declared solemnly by Crown, Lords, and Commons, and not be left to depend on a mere Act of Parliament, which may be supposed to be repealable like any other Act. The " Castle " to be abolished, and Government departments remodelled.

(2) The State should undertake to provide salaries for the Established Church, Roman Catholics, and Presbyterians alike ; and should thereupon take possession of all Church property.

(3) The franchise should be remodelled on the Poor Law valuation basis.

(4) The landlord and tenant question should be thoroughly inquired into and set at rest.

The main principle was that perfect equality should prevail throughout the whole United Kingdom.

His reception, on his return, was not what he had a right to expect. He repeatedly called on the Home Secretary, but was informed that he was engaged,—though Sir E. Head and Mr. Lewis were admitted to frequent interviews,—and a written request for an

opportunity of explaining the state in which he had left matters in Ireland only received a reply (from Sir James' private secretary) stating that he should be told when Sir James could see him. The summons never came. His colleagues' attitude was equally disappointing. Mr. Lewis, who at the outset had been strongly in favour of the Irish Poor Law (as his pamphlet of July 1836, already mentioned, shows) seemed to consider it a failure, and even intimated that all the Irish work-houses ought to be converted into dispensaries and fever hospitals.

"I did not lose my temper on this being said," remarks Mr. Nicholls, "but turned to Sir Edmund Head for his opinion, who coolly observed that for his part he entirely agreed with Sir J. Graham, and was altogether opposed to the Irish Poor Law, which, he thought, never ought to have been passed, or some equivalent expression. I kept my temper at this also, and merely said that as the law had been passed, and was consigned to the Commissioners to be carried into effect, we were bound to do whatever was necessary for the purpose."

Much discussion followed, at different times, and it was agreed that each of the two objectors should go to Ireland for a time and conduct the business, and that thenceforward the Commissioners should take the work in succession. The others, however, entered upon the duty unwillingly, and remained in Ireland barely a month each. "*Their hearts were not in the cause.*"

Under all these circumstances, it is not to be wondered at that Mr. Nicholls thought of resigning; and, indeed, nothing but a strong sense of duty restrained him, for he saw clearly that his retirement would put in jeopardy the Irish law, upon which, he believed with all his heart, the future welfare of that nation in no small degree depended.

But his public spirit was to be put to a still severer test. The Catholic, or Liberal party, with O'Connell at their head, were as virulent in denouncing the law

as their opponents had been, and both now joined in decrying the workhouses and in claiming to be exempted from repayment of the loans which had been advanced for their construction, on the ground that the buildings had been improperly or extravagantly erected. Down to the time of Mr. Nicholls' quitting Ireland the repayments had been, he says, regularly made; but after that time they seem to have become intermittent, and in some cases, at anyrate, ceased altogether, and the Irish members found that by denouncing his proceedings, on the score of extravagance, there would be a good chance of the obligation being swept away altogether!

Government, which ought to have supported him, seemed desirous of making him a scapegoat. He offered to go to Ireland again and inquire into the whole question. It was a self-sacrificing offer, entailing further responsibility, and deserved a better reception than it obtained,—though to direct that an inquiry into expenditure should be conducted by the spender is obviously open to some criticism. In declining an unacceptable offer made by an honourable man, it was not, however, necessary to use language open to be interpreted as insulting. This was Sir J. Graham's answer:—

“WHITEHALL, *August 22, 1843.*

“DEAR SIR,—I shall be happy to have the pleasure of seeing you and of receiving any verbal communication which you may wish to make to me, when the session of Parliament is concluded, and when I can command a little leisure.

“I retain my opinion, that you attempted too much in too short a time when, with a single architect and without any other adequate assistance, you commenced in one year the building of eighty workhouses in Ireland on the large scale by which their construction is distinguished. I believe that your intentions were excellent, and that your conduct was upright; but the proceeding was not judicious, and the discontent which it has created was inevitable.

“Your return to Ireland in present circumstances, and your visitation of each union in the approaching autumn, are not

measures which I can approve. Your return would excite the utmost jealousy among the guardians, who are dissatisfied with your former decisions, and would rekindle an irritation which it has been difficult to allay; and your visitation of the workhouses would not be regarded as a satisfactory inspection, since it is your own work which is to be revised, your own measures which must come under examination.

"In my opinion, therefore, it is not expedient that you should go to Ireland at this moment. At all events, I will request you to consult your colleagues before a step of this kind be taken; if they concur with you in opinion that the visit which you propose is desirable, I should wish to be consulted again before the measure is finally adopted; if they differ from you and consider your visit at this juncture inexpedient, the question is at an end, and of course you will abandon the intention.

"I am disposed to order an inspection of the workhouses in Ireland by the Board of Works, under the direction of the Lord Lieutenant; and that the outlay and the execution of the work, compared with the estimates and contracts, shall in each case be investigated and made the subject of a report.

"It is probable that in the next session of Parliament there will be committees of inquiry into the operation of the Irish Poor Law, and this preliminary inspection of the workhouses by a competent authority, independent of the Poor Law Commission, will remove erroneous impressions and abate much present discontent.

"You will remember that you left Ireland by your own desire at the moment when the expenditure of public money ceased, when the period for commencing repayment had arrived, when the levy of the first rate was resisted, and when the real pinch of the difficulties commenced. These differences have in some degree been overcome in your absence; it is doubtful whether your presence might not renew them.—I am, dear sir, yours very faithfully,
JAMES GRAHAM."

The sting of this letter lay in the possible insinuation that the author of the law had deserted his post at the moment of real trial. Mr. Nicholls felt it acutely, in spite of the consciousness that it was undeserved, and of assurances of esteem which came to him from many quarters. Lord John Russell, for instance, wrote (August 28, 1843):—

"No one who knows you can doubt that in all you have undertaken regarding the Poor Law in Ireland, as well as in England, you have been impelled by motives the most honour-

able, and a zeal as pure as it was indefatigable. Do not suppose, however, that you can have accomplished a task of great difficulty without falling into some errors."

Sir Robert Peel, at an interview on September 6, 1843, expressed the greatest confidence in Mr. Nicholls; and later, in a letter dated September 15, 1843, after remarking that he did not think Sir J. Graham's words bore so offensive a construction, wrote, as to desertion :—

"I am sure that no one who is acquainted with your character would attribute to you a desire to shrink from the combat with any obstacles to the success of such a measure as the Irish Poor Law, particularly considering the part you have taken in the introduction of that measure, and the working of it, in Ireland."

Lord Fortescue, too, and Lord Morpeth, who, as Lord Lieutenant and Irish Secretary respectively, had been familiar with the inner history of the Irish business, gave him assurances of confidence and approval, accompanied by expressions of deep sympathy and regret at the mortifications and discouragements to which he had been exposed.

Eventually a Government architect, Mr. Pennethorne, was sent over to examine and report, which he proceeded to do without communicating either with Mr. Nicholls or with his architect, Mr. Wilkinson. Indeed, the first information received by them as to the course likely to be pursued seems to have been Mr. Pennethorne's report itself, a bulky document which was sent to Mr. Nicholls in April 1844 by Sir J. Graham, with a request that without loss of time he would submit his remarks upon it. It is not worth while to follow the episode out in detail. There appears to be no doubt that the sites and buildings for the one hundred and thirty workhouses had not been provided in quite the most economical manner possible. It would, under the circumstances, have been a miracle

if they had. It would have been almost equally wonderful if Mr. Nicholls had been ready at once to admit that they had not. Mr. Pennethorne put the excess at £50,000. This was contested; a second inquiry was directed, and the figure was reduced to £46,706. The total expenditure had been about £1,150,000 (see *Hist. of Irish Poor Law*, p. 273). And this sum was actually remitted, in certain proportions, to the several unions accordingly.¹ Mr. Nicholls had no complaint to make about his proceedings being reviewed, though he thought this figure far too large. He did object to the way in which it was done. He merely wanted fair play, and considered that he did not get it. He knew he had done his best, under great difficulties, and maintained that he ought to have been consulted in the inquiries. But, upon his loyalty and integrity being sufficiently acknowledged, he again overcame his natural inclination to quit a service attended with so much vexation, and turned his mind to the duties of the Commission.

These duties were, it may well be imagined, not rendered less arduous by what had occurred. Carefully as he abstains from reflecting upon the ability or honour of his colleagues, it is clear that the three did not work in complete harmony. And there is reason to believe that the two junior Commissioners did not show much greater consideration towards their secretary than they had at one time shown towards their senior. Mr. Chadwick, indeed, in his evidence before the House of Commons (Andover) Committee, in 1846, went to the very verge of propriety in his strictures upon the conduct of the affairs of his Commission, which had become more and more unpopular;² nor can it

¹ It is worth mentioning that the idea of giving some assistance out of public funds was no new one, the matter having been discussed in Parliament and in the Cabinet during the passage of the measure in 1838.

² See as to all this period, and the characteristic attitude assumed by Mr. Nicholls in the Andover case, *post*, vol. ii. p. 394.

be regretted that, in 1847, the Commission was dissolved.

An interesting correspondence on the subject of the relations between the secretary and the Commissioners took place in the spring of that year. The junior Commissioners had apparently resented Mr. Chadwick's outspokenness, in a manner which led him to address a formal letter to Mr. Nicholls, asking whether, in his opinion, he had at any time behaved as a secretary should not. Mr. Nicholls replied frankly, to the effect that, although there had often been differences between them, especially as to the mode of conducting the office business, he had always felt a great respect for the secretary, and highly estimated the benefits which he had in no slight degree been instrumental in conferring upon the community. And he then sent copies of Mr. Chadwick's letter, and of his reply, to his two colleagues, whom he purposely did not consult beforehand in order that they might not be in any way committed to what he said. From each of them he at once received an emphatic disclaimer of similar sentiments, both asserting that the secretary's action had been prejudicial to the public service. This drew from him a rejoinder, marked by a quiet self-respect and a loyalty to his old officer which are characteristic of the writer. He points to his much longer connection with Mr. Chadwick, and his knowledge of that gentleman's very meritorious exertions in bringing about the amendment of the Poor Law. While admitting that they have often differed, he says, "that, of all the men with whom it has been his lot to be brought in contact, he never has met one with higher impulses, or whose efforts appeared to be more singly and earnestly directed to what he believed the public good." He admits also a certain inaptitude for secretarial duties, but he urges that there were other qualifications which might have been brought into use,

and he laments that on his return from Ireland he found Mr. Chadwick so entirely placed without the circle of office business.

“Such an exclusion must have deeply hurt his feelings, and, coupled with the opinion he entertained with respect to the mode of transacting the business of the department, led, I believe,” he says, “to much of what has recently ensued.”

And he concludes with these weighty words, laying down a principle which is of universal application (but which he had seen so inconsiderately disregarded in his own case):—

“The zealous and efficient co-operation of subordinates can only be reckoned on where confidence and support are accorded by the superior. I know of no other way of securing faithful services and good results in operations requiring the combined effort of many individuals.”

Under the new arrangements the Irish Poor Law was intrusted to a separate Commission. The constitution of the new English Commission, which was gazetted on December 17, 1847, is described *post*, vol. ii. p. 397. It will be seen that none of the old Commissioners were retained in office. Sir E. Head became Governor-General of New Brunswick. Mr. Cornewall Lewis, who had been returned to Parliament as member for Herefordshire in the previous August, became Secretary to the Board of Control. And the senior Commissioner, who had borne the burden and heat of the day, and to whom, more perhaps than to any other one man, was due the initiation and success of the Poor Law, was offered the permanent secretaryship of the new Board, with a reduced salary of £1500. In this manner was Sir R. Peel's prophecy of 1834 fulfilled.

This was the last trial to which he was to be put. After thirteen years of public service, at the age of sixty-five, he was asked to accept £1500 a year in

place of £2000—that is to say, £1000 less than the Bank of England were willing to give him in 1834—and to undertake duties which could scarcely be less onerous, and would in the public eye seem less honourable than those in which he had nearly worn himself out. Again he had thoughts of retiring into private life. Probably most men would have done so. But the Government knew their man, and saved their £500. He felt that his continuance in some way or other was important for the good administration of the law. He alone was cognisant of all that had taken place from the commencement; the traditions of the office were in his keeping, and he was, as it were, the link between what had been and what was to be. He accepted the offer, merely remarking to Lord John Russell at the necessary interview, that he did not promise to perform all the usual secretarial duties. To this Lord John only replied, “Well, I daresay you will do what is right!” And his confidence was justified. Some time afterwards, when Lord John Russell and Mr. Buller (the president of the new Board) were discussing the business of the office, upon the latter speaking strongly about the great assistance afforded to him by Mr. Nicholls, Lord John, in his quiet way, observed: “Ah, well, he told me that he would not do secretarial duties, but I thought he would!” As Mr. Buller said, in repeating this, with some amusement, to Mr. Nicholls subsequently, it was characteristic of both parties.

Henceforward all was plain sailing. He worked on thoroughly good terms with Mr. Buller, the new president, and with his successor, Mr. Baines, as also with his colleague, the Parliamentary Secretary, Lord Ebrington, son of his old friend, Lord Fortescue; and the closing years of his official connection with the Poor Law may be dismissed in very few words, the

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labours of the Board being sufficiently detailed in the body of the present History. At his advanced age, the ever-increasing office business began to tell upon him. He felt oppressed and greatly exhausted on returning home at night. His digestive powers had never been strong. He had suffered from a liver attack in India ; and the excessive work he had gone through in Ireland had brought on a stomach complaint which often returned, was always excruciatingly painful, and sometimes perhaps dangerous. His letters for many years are full of references to these seizures, and to the severe headaches to which throughout life he was constantly subject. He was forced to consider how long it would be safe for him to hold on. Probably, in any case, he would soon have retired ; for an economical Parliamentary Committee recommended a further saving of £500 in the salary ; and there must be some limits. But the question was finally decided for him by a violent attack on November 22, 1850, while attending a meeting at the Rock Insurance Office, where he remained insensible for thirteen and a half hours. His medical adviser, Dr. Hodgson, told him he must give up official work ; and on January 11, 1851, he sent in his resignation, which was accepted with expressions of deep regret by Lord John Russell, and was followed by a number of letters of sympathy from many friends of all ranks and classes.

He had been made C.B. in April 1848 ; he was now, March 1851, gazetted K.C.B., and was awarded a retiring pension of £1000 a year. The discussion in the House of Lords, February 6, 1851, on the question of the form to be given to the recognition of his long services was very gratifying, including, as it did, warm expressions of esteem from Lord Fortescue, Lord Brougham, Lord Carlisle, Lord St. Germans, Lord Lansdowne, and others. His only regret was that, to the last, the Duke of Wellington made no sign. It was

enough, however, that those who knew him best were of one mind.

A short notice may be added of some of his other spheres of activity.

Whilst in Ireland, he had not been content with discharging the duties of his office ; but, impressed with the importance of raising the condition of the agricultural classes from above, by education, at the same time as they were stimulated, as it were, from below by the operation of the workhouse test, he undertook the compilation of an agricultural manual. The pamphlet, which was called *The Farmer's Guide*, ran to two editions, and was reissued in 1845, with additions, under the name of *The Farmer*. Competent persons pronounce it to be still essentially sound. On March 18, 1846, he was awarded the Royal Agricultural Society's prize for his essay on the improvement of the condition of the agricultural labourer. This was, indeed, a subject in which he always took much interest, his tours in Ireland, and his visit to Holland and Belgium, having especially impressed him with the importance of the matter ; and he was often consulted by large landowners and others concerned with farming, such as Lord Warwick, Mr. Jones Loyd (afterwards Lord Overstone, who was much attached to him), Sir J. Kay - Shuttleworth, and others. He was a warm advocate of the construction of better cottages, and, as regards farming, he made a special point of recommending the culture of flax ; but the point which he was never tired of pressing was the necessity of reforming, if not abolishing, the law of settlement, which tied the labourer to his parish, and was always tending to drive him on to the rates, by preventing him from going where his labour might be disposed of to the best advantage.

Reference has been made to the Rock, in which

company he had been a shareholder since 1823. About 1847, the business having declined considerably of recent years, he wrote a paper expressing serious fear for the future if something was not done, and suggesting the adoption of the mutual insurance principle, as likely to secure an increased connection ; and this was, in fact, done, with very good results. The paper excited some attention, and led to his being elected a director in 1848 ; but he was not able to give much time, at anyrate before his retirement. He makes no claim to have taken a leading part in the management of the affairs of the company, and the matter is only here mentioned as another instance of his foresight.

With the Birmingham Canal his connection was much more close. He was first elected on to the committee in March 1834, but did not serve from 1835 to 1843 inclusive, owing, no doubt, to his time being too fully occupied by his official duties. He rejoined, however, in May 1844, and continued to be a director until 1864, during the last eleven years of which period he occupied the chair, having succeeded Mr. Robert Scott in May 1853. He was himself succeeded by his son-in-law, Mr. Willink.

In January 1853 he addressed an important letter to Mr. Scott, which appears to have been the direct cause of the undertaking of some of the most important extensions of the company's system that had been effected for many years. He pointed out in the letter that the coal and mineral produce of the district had then been so far exhausted that an additional supply had become absolutely necessary. Such supply could, he argued, only be obtained from the surrounding country ; and he accordingly recommended that a new tunnel should be made through the Rowley Hills to give access to the rich district west of Dudley, and that new branches of the canal should be constructed in the direction of Cannock Chase and Wyrley Bank. The results were the

great Netherton Tunnel and the Cannock and Wyrley Extensions, which are now productive of a very large portion of the revenue of the company, although for some time after their completion the returns were not commensurate with the outlay. There is no doubt, however, that the policy was a wise one, and the execution, if deferred, would probably have been far more costly. He continued to attend the monthly meetings in Birmingham with great regularity until shortly before his death ; and his influence and counsel are acknowledged to have been of great service to the company, and to the London and North-Western Railway Company, who, under the Arrangement Act of 1847, are closely connected with the canal.

His first care, however, after quitting office in 1851, was the compilation of his *Histories of the English, Scotch, and Irish Poor Laws*. The English History, in fact, was commenced the very day after his resignation ; his hope (to use his own words) being that he should be able so to frame it “that it should be looked to as the standard of sound practice, and the guide of future legislation, whenever the Poor Law should be brought into question, as it is pretty sure to be sooner or later.” The Irish History, which was the last to be written, was finished by the end of 1856. And he found time subsequently to prepare the English History for a second edition, his additions and alterations being incorporated in the present volumes. It need hardly be said that he never lost touch of the subject which had occupied his energies for so long. Besides being consulted constantly by his old colleagues, his opinion was sought by many people in this country on all matters connected with public or private relief of distress. M. Hippolyte Dussard also, and M. Calmon, came over from France, and Dr. Kries of Breslau, from Germany, to confer with him on the possibility of Poor Law legislation in those countries upon the lines of the

English law. But nothing seems to have resulted from the interviews.

Several of his summer holidays were spent in visits to Scotland and Ireland. He records, with pardonable pride, that on a tour in the latter country in 1853 he had the gratification of finding the law working well, and of hearing all classes of people—often speaking without knowing who he was—bearing testimony to the benefits which the Irish Poor Law had conferred upon their nation.

The last tour that he made, winding up his singularly complete life, was in the autumn of 1864, to Cornwall and Devon, where he revisited the scenes of his boyhood, and satisfied himself that his parents' graves were not neglected.

He died in Hyde Park Street on March 24, 1865, aged eighty-three years and three months. Lady Nicholls survived him until May 14, 1869.

A few words as to his personality. In the writer's recollection he shapes clear as a well-knit, alert old man, with keen grey eyes under extremely bushy eyebrows, rather austere, but with a genuine smile—a kind of grandfather who conveys a half-uncomfortable, half-encouraging impression that he expects painstaking, if not success. Not by any means unsympathetic, but obviously with a high standard for himself and others. Serious he certainly was, and earnest,—there is hardly a suggestion of a joke of his own making in any letter or document that remains,—and yet absolutely devoid of affected solemnity; on the contrary, a thoroughly genial man. Indeed, he really loved a joke, and there was a twinkle in his eye that was reassuring, and many letters were written by his friends to him which would not have been written to a man who was unappreciative of humour—for letters between friends are tinged with the character of the recipient as well as that of the sender. Still, he had

lived so long and so closely in contact with stern realities that his bent was matter-of-fact. There is a story of him that at the opera of *Don Giovanni* he remained immersed in the libretto for a long time, regardless of the performance, and on completing its perusal closed the book with the emphatic remark, "What a shocking state of society!" The story may be apocryphal, but is not without point. He had no taste for elaborate music, though simple airs had great attraction for him. His love of pictures has already been mentioned, and he had a correct eye and hand, if one may judge from drawings of ships which he sometimes made for the younger members of his family. Reading, however, as he himself has recorded, was his great delight. He was fond of Scott's novels; and was always interested in sea stories—Marryat's, perhaps, in particular. "Poor Jack" was a favourite of his, and the story of "Old Duty" in that book was often quoted by him; possibly Poor Jack's steady progress, by reason of his industry and integrity, appealed especially to the old sailor, proud as he was of his own achievements. To the end of his life he loved the sea and all who had to do with it. He always got on well with sailors. In fact, he seems always to have got on well with men who were living hard-working lives and doing their duty. It has been seen how he won the confidence of the labourers of Southwell and of the mechanics of Birmingham, and so it appears always to have been with him. With the more elaborate life of society he had less sympathy. In his own habits he was simple and methodical, yet his intimacy with personages of high position shows that when brought into close relation with them by some common object he was no less at home, and equally certain of gaining their esteem. That such a man should have had a distinct strain of poetry in him, as he undoubtedly had, is remarkable; but those who go down to the sea in

ships have opportunities of seeing and meditating upon the wonders of nature which the busy landsman does not so often get. And that he was master of a clear and vigorous style of writing in prose is manifest from the present History, as well as from his other writings.

In short, he was a single-minded man, with a strong sense of duty to his God and his neighbour, beloved by his children and trusted by his friends, and as such we may leave him.

In conclusion, it may be permitted to glance at the principal work of his life—the Poor Law. Useful as his labours were in other departments, other men could no doubt have done as well, or better. There have always been plenty of good sailors; he never pretended to be anything but a beginner in engineering matters; and as for banking and business generally, he was only one among thousands. His connection with all these things was only vital as preparing and fitting him for what was to follow.

But his influence upon the Poor Laws of Great Britain and Ireland was unique. He found chaos, and he left order. The inquiries and reasonings of other minds may have helped him to the conclusions which he drew. And other men may have reduced to a system and embodied in law the principles upon which he acted. But the fact remains that ten years before the great Inquiry Commission of 1832 he had grasped the situation, and had successfully put into practice on a small scale the methods of Poor Relief Administration, of which he was selected to superintend the introduction, and which still constitute the backbone of the law. Readers of this History will be able to see for themselves what a conflict of opinion there was before that crucial period. Everyone knew that everything had gone wrong. The lower classes were being ruined in character, the ratepayers were being ruined in pocket.

A demonstration was needed that both classes could be saved ; and the demonstration was forthcoming in Southwell. Before the Poor Law Commissioners had been at work four years it was clear that the danger was over in England,—yet when they took up the reins, how doubtful was the outlook. No doubt the Act of Parliament supplied the machinery, but much more was necessary. The best legal machinery may be spoilt by injudicious handling. At the time, it was prophesied by many that the new law could not be put into operation without riots, or even rebellion, which might be worse than the evils it was intended to remedy. And there was plenty of room for failure outside the Act itself. If the innumerable orders and regulations had not been framed with foresight and moderation, the whole reform might have been wrecked. There were plenty of enemies ready to bear a hand. That all these difficulties were in the main successfully overcome is acknowledged ; but how great they were it is hardly possible now to realise.

With regard to Ireland the case is less clear. The unhappy state of that country before the Irish Poor Law of 1838 was due to a vast multiplicity of causes, which no one species of measure could be expected to remove. The “distressful country” has her grievances still ; nor can any party or any leading statesman complain of not having had ample chance of trying to remedy them. It may be that that enactment did not fulfil all the hopes which were formed of it. It is certain that the form in which it was first passed had to be modified so as to bring it more into conformity with the English Poor Law.¹

¹ Outdoor relief in Ireland was first legalised in 1847, with Mr. Nicholls’ full concurrence, under the pressure of the great Famine. When that emergency passed, the relaxation was practically discontinued, and the number of outdoor paupers gradually sank to under 2000 for the whole country in October 1853, the number of indoor paupers at the same date being 79,410. The highest figures touched were, in June–July

But it is equally certain that the duty of relieving destitution, assumed by the State in 1838 for the first time in Ireland, led to the mitigation of the disasters consequent upon the great Potato Famine. And faulty though the administration of the law may have since been through the interference of religious and political influences, and from other causes, one may well imagine the outcry there would now be if a proposal were seriously made to repeal the law altogether, and go back to the state of affairs which prevailed before it was passed.

That it would have been better for Sir George Nicholls himself, however, to have kept clear of Ireland, and also better for the cause of good administration in England, may be contended with fair show of reason.

No doubt he was invited by Government to make suggestions; and having made them, he could hardly decline to go further when requested. But it might perhaps have been wiser for him to have avoided mixing himself up with the matter at all. There was plenty to do in England, and his absence was a great loss to the Commission. The framing and introduction of the Irish law was a great experiment, enough to tax the ability of a greater man than he to the very utmost. It was forced through, by no wish of his own, in an unreasonably short space of time. He was exposed, almost at once, to the attacks of partisans of a most bitter kind. It is not possible to be surprised if he did not succeed entirely. Nevertheless, it was through

1849, respectively, 492,503 outdoor and 227,329 indoor. From the last report of the Local Government Board for Ireland, it appears that in 1894-95 the maximum numbers relieved on any one day were 63,271 outdoor and 43,219 indoor, the date taken being March 16, 1895, and both totals having, on the whole, diminished during the last seven years. This is not the place to consider the propriety of the present administration of the law, nor is the writer in a position to do so; but it would seem to be clear that the workhouses are not the useless institutions which they have sometimes been represented to be, and that the Poor Law is at anyrate to some extent fulfilling its function of relieving destitution.

no selfish ambition that he undertook the venturesome task ; and that he came out of it without a stain on his character is much to his honour.

The worst of it was that he came back to a Commission in England very different from the one he had left. His two colleagues had gone, and had been succeeded by two others, who, however able, were not in sympathy with him, who had become accustomed to working in their own way, and who were under the control of a strong Minister of a new Government, who was himself not favourable to the absent Commissioner or to the policy of the law of which he was the author. He came back, after his four years of absence, to find himself virtually superseded by men many years his junior, and assailed by a powerful party in and out of Parliament. It must have been a very trying period for so high-minded a man. And all because he had done his best to carry out a policy which had been adopted by the Ministry responsible at the time. Nothing but a strong sense of duty could have enabled him to continue at his post as he did.

The history of the English Poor Law after 1853 will be traced by an able hand in the forthcoming additional volume. It is full of interest, and the drama is not played out yet. When Sir George wrote he had lived to see most of the vital questions considered and settled, and the minor questions had fallen into their proper place. In our time the situation has again become clouded. New developments have occurred, and old fallacies have been revived. It is difficult sometimes to keep a steady view of the main features of the ever-shifting scene. But they are there nevertheless ; and it will be a bad day for the nation if ever the two great principles, which Sir George Nicholls upheld so stoutly, are disregarded : that is to say, first, that it is the duty of the State to see that no man shall perish for want of the necessaries of life ; and, second, that the

relief given for the purpose ought to be so afforded that it shall be everyone's best interest to do without it if possible—or, in other words, that the situation of the pauper ought not, on the whole, to be made really or apparently so eligible as the situation of the lowest class of independent labourer.

H. G. W.

Oct. 1, 1897.

A HISTORY
OF
THE ENGLISH POOR LAW

A HISTORY
OF
THE ENGLISH POOR LAW
IN CONNECTION WITH
THE STATE OF THE COUNTRY, AND THE CONDITION OF
THE PEOPLE

INTRODUCTION

THE laws of any period throw much light upon the habits and condition of the people at the time, and some knowledge of this condition and these habits is necessary for judging of the character and suitableness of the laws—each, in fact, reflecting light upon the other, and each requiring to be viewed with reference to the other. If this be true in a general sense, it is more especially true with regard to the laws immediately affecting the poorer classes ; and therefore an inquiry into the origin and progress of the English Poor Laws, necessarily involves an inquiry into the state of the country and the condition of the people at the several periods when these laws were enacted, without which it would be impossible to judge of their fitness, or form an accurate estimate of their results.

In every country, and in all states of society, destitution has existed, and from the nature of things ever will exist ; and on the relative proportion which the destitute bear to the entire population, and on the

manner in which this destitute class is dealt with, the general condition of the whole will in no small degree depend. For this destitute class in England the Poor Law has been chiefly framed—not at once, nor, in the several stages of its progress, always wisely, but from time to time, and as it were casually, when legislative interposition appeared to be called for to remedy some existing evil, or to prevent the occurrence of some evil which was apprehended.

The establishment of a Poor Law in any shape, or any systematic organisation for affording relief to the destitute, must be regarded as indicating a considerable advance in civilisation, and in the appreciation of duties arising out of a common interest for securing a common good. Sir Matthew Hale declares the relief of the poor to be “an act of great civil prudence and political wisdom, for that poverty is in itself apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many poor, the rich,” he says, “cannot long or safely continue such, for necessity renders men of phlegmatic and dull natures stupid and indisciplinable, and men of more fiery or active constitutions rapacious and desperate.”¹ It is accordingly an admitted maxim of social policy, that the first charge on land must be the maintenance of the people reared upon it. This is the principle of the English Poor Law. Society exists for the preservation of property, but subject to the condition that the abundance of the few shall only be enjoyed by first making provision for the necessities of the many.

In the early age of a community, the prime object, after supplying the wants of nature, would be the protection of life and property from assault, whether by persons acting under the influence of violent and selfish passions, or labouring under the pressure of actual want ;

¹ Sir Matthew Hale's plan for the relief of the poor is given at length in Dr. Burn's *History of the Poor Laws*.

and we accordingly find that severe laws, and usages not less imperative than laws, existed in the early history of every people, having for their object the guarding of life and the protection of property, and imposing heavy penalties on transgressors in respect of either. But man will not submit to starve, where the means of supplying his necessities can be obtained in any way, whether by force or by fraud. Necessity is above law, and, as far as the really necessitous are concerned, the dread of punishment has ever been found insufficient to protect property, or to deter from the commission of crime.

It may be presumed that the natural impulse to aid the distressed, which is common to the whole human race, would in the infancy of a community be sufficient to protect it against the consequences of extreme necessity in any of its members; and that when in the progress of society this impulse failed through the excess of demands upon it, the influence of religion would be invoked in furtherance of the same object. Thus, in all the earlier nations of the world, we find the practice of charity or almsgiving authoritatively inculcated as a religious observance. Even hospitality appears to have come under the same category—wayfarers were entertained, not so much because the state of society rendered such entertainment necessary for enabling persons to travel from one place to another, as from its being enjoined as a religious duty.

At a still later period, the Church of Rome constituted itself the general receiver and dispenser of alms in all the countries subject to its influence. Its charitable distributions were not confined to the poor alone, but were extended as well to the idle and the profligate, who, naturally preferring subsistence without labour to that obtained by their own industry, roved about from one religious establishment to another, resorting most frequently and in the greatest number

to wherever alms were most easily and abundantly obtained. As the funds of these establishments were enlarged by successive donations, their almsgiving was proportionally increased, and the idle mendicants likewise increased in number, and became a burthen and a source of danger to the rest of the community.

Fuller,¹ in his *Church History*, printed in 1656, after lauding the hospitality of abbeys as "beyond compare," thus speaks of these institutions: "Some," he says, "will object that this their hospitality was but *charity mistaken*, promiscuously entertaining some who did not need, and more who did not deserve it. Yea, these abbeys did but maintain poor which they made. For some vagrants, accounting the abbey alms their own *inheritance*, served an *apprenticeship*, and afterwards wrought *journeywork*, to no other trade than *begging*; all whose children were, by their *father's copie*, made *free of the same company*. Yea, we may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day, as if beggary were entailed on them, and that laziness not as yet *got out of their flesh*, which so long since was bred in their bones."² And Mr. Hallam, in his *Constitutional History*, remarks: "There can be no doubt that many of the impotent poor derived support from their charity; but the blind eleemosynary spirit inculcated by the Romish Church is notoriously the cause, not the cure, of beggary and wretchedness.

¹ Fuller's *Church History*, 2nd sec., p. 298. The words in italics are so printed in the original.

² At a far earlier period it was found "that the liberality of certain Roman ladies, and other rich Christians, brought a great number of mendicants to Rome; and it is said that there was a decree made on this account by Valentinian the Younger, and directed to the prefect of Rome, in the year 382 (Cod. Theod. xiv. tit. 18), in which he requires that their age and strength be inquired into, that the disabled might be provided for; but as for the strong, they were to be delivered up to the informer if they were of servile extraction, and if they were free they were to be compelled to cultivate the ground." See Fleury's *Ecclesiastical History*, revised translation, by the Rev. J. H. Newman, p. 51.

Nothing could have a stronger tendency to promote that vagabond mendicity which unceasing and very severe statutes were enacted to repress.”¹

It would appear, then, that the natural impulse of charity, aided by the higher influences of religion, and organised into a system through the agency of institutions richly endowed, and governed by the most powerful priesthood the world has ever known, failed in effectually relieving poverty; whilst such institutions and miscalled charities directly operated to the encouragement of idleness and vice, by leading the people to rely upon alms and casual contributions for support, instead of depending on their own exertions.

Man is destined to live by labour; and the love of life with which he is imbued, and the various wants by which he is surrounded, unceasingly operate as incentives to exertion, the right application of which is sure to bring its own great reward. Anything that tends to turn him from the persevering exercise of his own natural powers, or to divert him from a reliance upon his own honest efforts for obtaining the means of living, cannot fail to prove injurious both to the individual and to the community; and this the various institutions created by the influence, and governed by the power, of the Roman Catholic Church unquestionably did.

In thus adverting to the evils occasioned by organised almsgiving, it is not intended to depreciate the value of charity when judiciously exercised, neither is it intended to question the authoritative injunctions to its observance contained in Holy Writ, which must have been given with the beneficent intentions that characterise all the revelations of the Divine will. A charitable disposition ought doubtless to be cherished by all, as well on religious as on social grounds, and within the limits of prudence and sound principle its promptings should be obeyed. But it

¹ Hallam's *Constitutional History of England*, 4th ed. vol. i. p. 79.

must not be forgotten that the great end of charity, both as enjoined by religion and demanded by humanity, is to benefit the recipient, not to exalt or glorify the giver; and the consequences of whatever may be done ought therefore never to be lost sight of; for if the effects be evil, either to the recipient or to society, the act of giving becomes a cause of evil—it is not charity in the true sense of the term, conducing to the good of its object and the benefit of the community.¹

In England the Reformation brought with it a remedy for many evils. Much of the Church property then passed into lay hands. The monastic establishments were dissolved, and the large funds which, through the agency of these institutions, had been misapplied to the encouragement of idleness, were devoted to other and more legitimate purposes; whilst the “vagabonds and sturdy beggars,” no longer able to obtain their usual doles, were driven to labour for their maintenance or to prey upon the public. Their previous habits led them for the most part to adopt the latter course, and hence the various enactments of that period prohibiting vagrancy, and inflicting punishments of a severe and, in some instances, of a revolting character on this class of persons.

In order to obtain a clear view of the English Poor Law, and of the way in which it has grown with the wants and habits of the people, and how it has become engrafted on our institutions as a means of protecting life and property by affording needful relief to the destitute, it will be necessary to trace the various enactments bearing on the subject as they appear in the Statute Books. At present there is no complete work of the kind. The nearest approach to it will be found in Dr. Burn's *History of the Poor Laws*, published

¹ De Foe, in a tract published in 1704, and quoted by Sir F. Eden, justly observes that “an alms ill directed may be charity to the particular person, but becomes an injury to the public, and no charity to the nation.”

in 1764, and in *The History of the Poor*, in a series of Letters by Mr. Ruggles, and *The State of the Poor, or History of the Labouring Classes*, by Sir Frederic Eden, both published in 1797. Each of these works contains valuable information, especially the last; but they are for the most part desultory or over-technical in the mode of treating the subject, and in some instances recommendations are made which subsequent experience has shown to be attended with danger. Since they were published, moreover, much has taken place of a nature both eventful and instructive, and the Poor Law itself has been materially changed. With these exceptions, and Mr. Pashley's *Pauperism and Poor Laws*, published in 1852, and which the author did not see until the first part of the present work was written, the publications on the subject have mostly been put forth with the view of explaining some particular section of the law, such as Mr. Nolan's *Treatise on Settlement*, or to point out some defect or some evil requiring amendment. There is no comprehensive account of the Poor Laws, showing the changes they have undergone, the circumstances under which they were severally made, and the objects they were intended to accomplish; and this deficiency the author has here endeavoured to supply.

The legislation which it is proposed to consider, naturally arose out of the circumstances of the periods in which it took place: first, the suppression of vagabondage and violence was aimed at—next, this suppression conjointly with some relief for the destitute by means of charitable or enforced contributions—then, the relief of poverty and want as well as destitution, from whatever cause either the one or the other may have arisen—and lastly, the relief of destitution and want in such a manner as that, whilst effective for that object, it shall not weaken the incentive to independent exertion on the part of individuals, or of the labouring

classes and the public generally. For the sake of convenience the work will be divided into four parts—the first extending from the earliest times to the end of the reign of Queen Elizabeth; the second, from that time to the end of the reign of Queen Anne; the third, to the end of the reign of George III.; and thence to the end of the parochial year 1852, will constitute the fourth part.

The author had intended to include in the present work some account of the Scotch Poor Law, the origin of which was nearly contemporaneous with the English law, and the attendant circumstances in many respects similar; and also to give a summary description of the Poor Law now established in Ireland, with the preparing of which, and likewise with its introduction, it was his fortune to be connected; and he has collected materials for both these objects. But having now completed the *History of the English Poor Law*, he has determined upon publishing it as a separate work, complete in itself; and for the present, at least, to defer entering upon the Scotch and Irish portions of the subject.¹

¹ These works were afterwards completed—*History of the Irish Poor Law*, 1856 (Murray), and *History of the Scottish Poor Law*, 1856 (Murray). Frequent reference is made in both volumes to each other, and to the present work; and references are now added in this edition of the *English Poor Law* to passages in the Scotch and Irish Histories, which appear to be interesting as contrasts or parallels, or as illustrating the development of particular features of general poor law or social legislation in the three countries, it being characteristic of the author not to confine his attention within narrow lines.

The following brief general comparison of the respective systems may be found to be not without interest. In Scotland, down to 1579, there was little difference in principle from the practice pursued in this country, Scotch legislation following English example at intervals sometimes of forty or fifty years, and the important Act of James VI. cap. 74 (on which the Scotch Poor Laws mainly rested for a long time) closely resembling the English Act of 14 Eliz. cap. 5. (See Note to vol. i. p. 156, *post.*) Thenceforward, however, the two systems tended to diverge, particularly in respect of the provision of funds. The Scotch Law permitted, indeed, the raising of money by compulsory assessment, but only if voluntary contributions should be insufficient; and, as a matter of fact, the power of assessment was rarely employed. Funds were collected and

The authorities which have been consulted are, first and chiefest, the folio edition of *The Statutes of the Realm*, published under the authority of the Public Records Commissions of 1800 and 1806, and extending to the end of Queen Anne's reign; and thence the octavo edition of the *Statutes at Large* to the present time, from which such extracts as appeared necessary for an elucidation of the subject have been made from every enactment immediately connected with the Poor Law, or which seemed calculated to throw light upon, or materially affect, the condition of the people. These extracts are, for the most part, given verbatim, and in no instance is anything which would alter or weaken the sense of a passage omitted, but merely redundancies,

administered principally by quasi-ecclesiastical machinery, the amount of relief being proportioned to the amount of money available; and this fact, combined with a denial to the able-bodied, of any *right* to relief under any circumstances, and with the general absence of properly constituted workhouses, in which adequacy of relief might be secured, led to a rigid economy which entailed sometimes very great suffering and privation among the poorer classes. In consequence of this state of things, and also, no doubt, owing to the example of the new English Poor Law, the Scotch Poor Law Amendment Act, 1845, was passed. This Act was directed mainly to the supersession of the voluntary system by assessment, and to the establishment of workhouses, or rather "poorhouses," the adoption of either courses being, however, still optional. The immediate result was a steady rise in the amount of poor relief, in proportion to the spreading of the operation of the Act. This was, nevertheless, to be expected (see *post*, vol. i. p. 329); and although the fluctuations of poor law expenditure have sometimes caused alarm, the principle of the workhouse test, with compulsory assessment, has been more and more accepted, and at the present day may be said to be firmly established by experience. (See *The Scottish Poor Laws*, by R. P. Lamond, 1892, pp. 227, 228.)

The case of Ireland presents a marked contrast. In that country, down to 1838, there was no direct law for the relief of the poor (*History of Irish Poor Law*, p. 13). Owing to differences of race and religion, and to many other circumstances which cannot here be referred to, the state of the country remained most unsettled (*ibid.* pp. 5, 59), at anyrate, down to the close of the last century. And although there were then signs of marked improvement (*ibid.* p. 160), a large portion of the population was ever on the brink of destitution (*ibid.* 168, 169). In the author's own words, in his First Irish Report, 1836,—“Ireland is now suffering under a circle of evils, producing and reproducing one another. Want of capital produces want of employment—want of employment, turbulence and

and words in the earlier Acts more or less obsolete, and not necessary for a clear understanding of what is meant. Nothing has in any instance been added, and the omissions are made sparingly, and solely with a view to economising space and clearing away encumbrances.

The statutes, taken as a whole, may be regarded as expositors of public opinion, and as affording the best criterion for judging of the character of the times in which they were enacted. They are fraught with interest social and historical, and it is hoped that the reader will not complain either of the length or the frequency of the citations made from them. It is right to remark, however, that it is not stated what statutes have been repealed, or permitted to expire.

misery — turbulence and misery, insecurity—insecurity prevents the introduction or accumulation of capital—and so on. Until this circle is broken, the evils must continue, and probably increase.” The Irish Poor Law Act of 1838 was eventually passed, in order, by making legal provision for the destitute, to break this circle. It was framed on the same lines as the English Act, with the notable exception that it entirely prohibited outdoor relief (see *post*, vol. ii. p. 392, note). The disastrous potato famine, which occurred a few years afterwards, led, however, to the abandonment, by the Extension Act, 1847, of this prohibition, though such relaxation was intended only to be temporary. Indeed, the outdoor pauperism, which in July 1848 reached 833,889, had, by September 1855, been reduced to 655. The new law, strongly opposed as it had been at its introduction, had, by the end of 1854, apparently become thoroughly naturalised in the country (see *History of Irish Poor Law*, p. 400), at which time the author had the gratification of hearing it praised by natives, strangers to him, as having been the salvation of the country. The subsequent course of events cannot be followed here, but it appears from the Annual Report of the Irish Local Government Board for 1896 (p. 4) that the average daily number of *indoor* paupers (workhouses, hospitals, institutions, and district schools) for 1895–96 was 41,564, being a percentage of .91 on the population; while the average daily number of *outdoor* paupers for the same year was 56,619, or a percentage of 1.23. There had been during the first half of the year a certain amount of “exceptional outdoor relief,” under special authority, on account of the partial failure of the potato crop. But the average excess from this cause was just under 2300; and the figures for the preceding six years show that outdoor relief is decreasing rather than the contrary. The causes which have led to this state of things must be sought elsewhere than in this book.

This was not necessary for our purpose, which is to show—first, the successive steps by which legislation established a charge upon property for the relief of the poor, accompanied by a recognition of their right to relief; and secondly, to mark, in like succession, the consequences thence arising, and the remedies from time to time sought to be applied to evils either existing or apprehended. A List will, however, be given towards the end of the Work of the principal Statutes in force, by which the administration of Relief is chiefly regulated.¹

The order of time has been occasionally departed from, for the purpose of keeping particular subjects more together; but this has not, it is hoped, been done to such an extent as to derange the general sequence, or cause embarrassment or confusion to the reader. Use has been made of the different Histories of England, for the purpose of carrying forward the chain of events, and placing before the reader the circumstances of the country at the periods coincident with the several Acts of legislation. Use has also been made of various other works affording information on the state of society and the habits of the people, and to which reference will generally be found, either in the text or in a footnote. The Reports which have from time to time been made with respect to the condition of the poor and the state and administration of the law, together with the debates on the subject as given in Hansard, and the Returns laid before Parliament, have likewise been examined and quoted; but it has been endeavoured to condense and simplify as much as possible the information derived from these and all other sources, and to avoid overburthening the subject with references.

The quantity of materials requiring to be examined has been very considerable, and selection was sometimes difficult; but it was also necessary, in order to

¹ See *post*, 4th part.

bring within reasonable limits the object which the author proposes—namely, to give in an intelligible form an account of the several enactments having reference to the poor and the working classes generally, and the grounds on which the enactments were founded; to show how far they were in accordance with sound principle and the circumstances of the period, and whether, or to what extent, they were successful in their results—in short, to put the reader in a position to judge whether the several enactments were in themselves right, or rightly timed; and what were their effects as regards the poorer classes and the rest of the community.

The author is sensible of the onerous nature of the duty he thus imposes on himself, and there are circumstances which might well excuse his undertaking it; but he is encouraged to do so by the hope of producing a work which may be useful, and which his intimate connection with Poor Law administration, both before and since the passing of the Amendment Act, seems to require from him, now that his retirement from official labour affords him leisure for the task. If in adverting to that measure he shall be led to speak of himself in connection with it, he entreats that this may be attributed solely to his wish to place before the reader the facts as they occurred, which he would not in every instance be able to do if all allusion to himself were omitted.

PART THE FIRST

THE SAXON PERIOD, AND NORMAN INVASION, TO THE
END OF ELIZABETH'S REIGN

CHAPTER I

A.D. 924-1066-1398

Early legislation—State of the population prior to the Conquest—Under the Norman kings—In the time of Henry II.—Conquest of Ireland—Magna Charta—Feudalism—Laws of Henry III.—Laws of Edward I.—“Statute of Winchester”—“Statutes of Merchants”—Slavery of the people—The Crusades—Annexation of Wales—Condition of the Welsh people—Rise of a middle class, *temp.* Edward II.—Mingling of the races—Advance of freedom—Increase of vagrancy—Laws of Edward III.—“Statute of Northampton”—The great plague—“Statute of Labourers”—Sumptuary law—Prevalence of violence and disorder—Laws of Richard II.—Popular progress—Wat Tyler's rebellion—Population in 1377—Regulation of Wages—Scarcity of agricultural labourers—The impotent poor—First game-law.

It has been usual to assign the origin of a legal provision for the relief of the poor to the time of Richard the Second, but an approximation to a Poor Law, in its practical results, may be discerned in the legislation of a much earlier period. Our Saxon ancestors required every peasant who had not a domicile of his own, to reside with some householder, without whose surety he would not be regarded as a member of the community, nor be entitled to its protection. By the laws of King Athelstan (A.D. 924), it was ordained that “lordless men, of whom no law can be got, the kindred be commanded that they domicile him to folkright, and find him a lord in the folkmote.”¹ And

A.D. 924.
Athelstan.

¹ “Folkmote” or “Folcgemot,” a general assembly of the people.

1017.
Canute.

further, "if any landless-man should become a follower in another shire, and again seek his kinsfolk, that he may harbour him on condition that he (the kinsman) make 'bot'¹ for him." And the laws of King Canute (A.D. 1017) ordain "that every one be brought into a hundred and in 'borh,'² and that the 'borh' hold and lead him to every plea."³ Each householder was held responsible for the individuals of his household, whether bond or free, and for any stranger whom he had admitted under his roof.

These laws were no doubt chiefly intended as measures of police, and appear well calculated to prevent the growth of vagabondage and violence. But they had likewise the effect of establishing reciprocal relations between the landless-man and the landowner, between property and poverty, between the householder and the houseless; casting upon one the duty of supervising the conduct and providing for the necessities of the other, in some respects similar to the Poor Law of the present day. The results of this legislation were likewise, it may be presumed, not very dissimilar, for the improvident and the indolent would endeavour, with the smallest amount of labour, to obtain the largest amount of assistance from the householder who was liable for their support, and responsible for their conduct; whilst the householder would as certainly endeavour to obtain the largest amount of labour in return for the cost and responsibility to which he was subject. It would be then—as it has been since, and is now—a struggle between property and poverty, between the provident and the improvident, between the industrious and the idle; and on

¹ "Bot"—amends—satisfaction for an injury.

² "Borh"—a surety.

³ See also the Laws of Hothaire and Eadric, A.D. 673 and 959, in the *Ancient Laws and Institutions of England*, published by the Record Commission.

the mode in which this struggle is conducted, and the medium attained by these opposing influences, the social condition and general weal of a people will in great measure depend.

The state of the Anglo-Saxon population, as they existed prior to the Conquest, has been thus well described :¹ “ Among the Anglo-Saxons the free population was divided into the *Eorl* and *Ceorl*, the men of noble and ignoble descent. The former were said to be ethel-born ; and, with a people acknowledging no other merit than martial prowess, it is probable that this distinction attached to those only whose fathers had never exercised the occupations of husbandry or the mechanical arts. . . . Among the ethel-born, the first place was occupied by the *cyning*, or king. After the royal family, the highest order in the state was that of the *caldormen*, or earls. The districts which they governed were denominated their shires, confined originally to a small tract of country, but gradually enlarged to the extent of our present counties. The ‘*thanes*,’ so called from *thegnian*, to serve, were a numerous and distinguished order of men, divided into several classes of different rank and with different privileges. . . . The lowest class of freemen was that of *ceorls*, or husbandmen ; of these some possessed bocland, but not in sufficient quantity to raise them to the rank of thanes ; others held lands of their lords by the payment of rent, or other free but inferior services. . . . These several classes formed but a small part of the population, of which perhaps not less than two-thirds existed in a state of slavery. . . . All slaves were not, however, numbered in the same class. The most numerous class consisted of those who lived on the land of their lord, near to his mansion, called in Saxon his ‘*tune*,’ in

The Anglo-Saxons.

¹ Lingard's *History of England*, vol. i. pp. 347 and 353. See also Sir F. Palgrave's *History of the English Commonwealth*, vol. i. p. 13.

Latin his 'villa.' From the latter word they were by the Normans denominated 'villeins,' while the collection of cottages in which they dwelt acquired the name of village. Their respective services were allotted according to the pleasure of their proprietor. Some tilled his lands, others exercised for him the trades to which they had been educated. In return they received certain portions of lands, with other perquisites, for the support of themselves and their families, but all were alike deprived of the privilege of freemen. Their persons, families, and goods, were the property of their lord. He could dispose of them as he pleased, either by gift or sale. He could annex them to the soil, or remove them from it. He could transfer them with it to a new proprietor, or leave them by will to his heirs."

Hume, on the authority of Selden,¹ notices two statutes of Athelstan, by the first of which a merchant, who had made three long sea voyages on his own account, was entitled to the quality of a thane; and by the second, a ceorl or husbandman, who had been able to purchase five hydes of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction. The opportunities were few, however, by which a merchant or a ceorl could thus acquire distinction, and all writers agree in describing the people—not the servile classes only, but the entire people—as being at the time of the Conquest in a rude and barbarous state. The nobility and landed gentry for the most part spent their time in riotous living and in coarse sensual excesses, whilst the great body of the occupiers and cultivators of the soil were held in a state of bondage, without the power of removing from the estates on which they may be said to have vegetated, and where they were consequently kept in a condition of almost total ignorance and barbarism.

¹ Hume's *History*, vol. i., Appendix I., p. 209; the edition of 1782.

At the period of the Conquest (1066) the Anglo-Saxon population has, with every appearance of probability, been estimated at 2,150,000,¹ including every class or denomination into which the people were divided, from the eorls or nobles to the ignoble ceorls or churls: the wergild, or value of the life of the former, being held equal to that of six of the latter. The Normans were more advanced in civilisation, and they introduced many of the arts and elegancies of life, but these benefits were purchased at a heavy cost. The military adventurers who accompanied the Conqueror had to be rewarded, and this could only be done by dispossessing the present occupants, so that the conquest ended in confiscation, and in the establishment of a despotism far more oppressive than that which had previously existed. The great body of the labouring classes remained, it is true, as in the Saxon times, partly serfs or slaves, prædial or domestic, and partly villeins attached to the soil. But William introduced the feudal system in its utmost rigidity, and the bondage which had been comparatively easy under Saxon rule, became a stern and grinding despotism under the Norman. In one respect, however, this change was attended with advantage — order was established, the laws were rigorously enforced, and breaches of the public peace were severely punished. William himself exercised despotic sway, but he permitted none other to commit violence or transgress the law. Such was likewise the case during the reign of Henry the First, who was called “the Lion of Justice,” and of whose stern severity in enforcing it numerous instances are recorded. He is said at one time, in Leicestershire, to have hung no less than forty-four persons charged with robbery. In other

1066-1087.
William
the Con-
queror.

1100-1135.
Henry I.

¹ M'Culloch's *Account of the British Empire*, vol. i. p. 396. See also the *Pictorial History of England*, book v. chap. vii., where this question is fully and ably discussed.

respects he was a great and accomplished prince, and, on account of his learning, acquired the name of *Beauclerc*, or the Scholar. Of the reigns of Rufus and Stephen, one immediately preceding, the other following, that of Henry the First, it need only be said that, whilst equally tyrannical and oppressive, they were wanting in the order so strenuously maintained by the Conqueror and by Henry, and therefore, although no less fertile of evil, they were without the countervailing good.

1154-1189.
Henry II.

In saying that the Normans introduced many of the arts and elegancies of life, it is not meant to imply that civilisation, as the term is now understood, prevailed during the Norman period. A century after the Conquest, and in the reign of Henry the Second, the most powerful sovereign of his day, there was great coarseness of manners and habits; and the most squalid wretchedness, and vice in its most revolting form, were rudely blended with the pomp and pageantry of the royal processions. These processions were, in fact, little better than organised mobs, perambulating the country, and levying contributions, without stint or mercy, upon all who unhappily came within their reach. Estates were then held on the condition of furnishing straw for the royal beds and litter for the royal apartments. The rush-strewer was a recognised officer in the royal household, and it was considered an act of unusual magnificence to cover the floor of the great dining-hall with clean rushes or clean straw daily, so that those who could not find room at the common table might sit on the floor without soiling their clothes. Homely and incongruous as this may appear, contrasted with the barbaric splendour exhibited on other occasions, it is yet consistent with what is seen in all partially civilised states of society. A passion for show prevails most among a savage or semi-savage people, and can in no case be regarded as a proof of civilisation, the characteristics

of which are simplicity and harmony, an avoidance rather than a courting of gorgeous pageantry and display.

In 1172 Henry the Second completed the conquest of Ireland. That country, then in a state of utter barbarism, and governed by native chieftains constantly at strife among themselves, had been by a papal bull, issued by Hadrian IV., declared subject to the English Crown; and Strongbow, Earl of Strigul, accompanied by a small number of followers, had, with Henry's permission, undertaken the task of reducing it to subjection, in which he made considerable progress, the rude natives being unable to resist his small armed band. After a time, however, Henry himself undertook the enterprise on a more extended scale, and landed at Waterford with 500 knights and 4000 soldiers. He met with little resistance, and after remaining about six months in Ireland, and receiving the homage of his new subjects, he returned in triumph from a conquest which, although easily achieved, has been extremely important in its consequences.¹

Magna Charta was wrung from the unwilling John by the armed barons assembled at Runnymede in 1215. This charter, long regarded as the foundation of English liberty, relieved the nobility and freemen from the arbitrary exactions of the sovereign, but the serfs and villeins remained in slavery as before. A villein or rustic was not, however, by the imposition of any fine, to be deprived of his carts, ploughs, and implements of husbandry; and this, as is remarked by Hume, "was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom." With reference to this early period, Mr. Macaulay finely observes, "The sources of the noblest rivers which spread fertility over continents and bear richly laden fleets to the sea, are to be sought in wild

¹ As to the condition of Ireland about this period, see *History of Irish Poor Law*, p. 3.

and barren mountain tracts, incorrectly laid down in maps and rarely explored by travellers. To such a tract the history of our country during the nineteenth century may be not unaptly compared. Sterile and obscure as is that portion of our annals, it is there that we must seek for the origin of our freedom, our prosperity, and our glory. Then it was that the great English people was formed, that the national character began to exhibit those peculiarities which it has ever since retained, and that our fathers became emphatically islanders,—islanders not merely in geographical position, but in their politics, their feelings, and their manners.”¹

Effects of
feudalism.

The condition and habits of the nobility and gentry being of the rude character above described, even after the Norman and Saxon races had, in great measure, become blended into one people, it will readily be supposed that the mass of the population must have been in a still ruder state. It is the very nature of feudalism, which throughout the Norman period existed in its most despotic form, to depress the many and to elevate the few. It raised the chieftain to a height so much above the commonalty, as to obliterate any feeling of natural equality or common interest between them. The one revelled in feudal pomp, and exercised an authority little short of absolute over both person and property; the other was ignorant and depressed, without rights or privileges which were not overridden or controlled by the will of the superior lord, who was looked up to as a being of a higher order, and whose behest was not to be disputed.

1216-1272.
Henry III.

Neither was it the lowest of the people only who were thus controlled. All, of every class below the chieftain, were subjected to the like iron rule. Even in the domestic affair of marriage, a man had to seek the permission of his feudal superior, who exacted a fee according to the circumstances of the parties. Thus

¹ Macaulay's *History of England*, vol. i. p. 17.

in the reign of Henry the Third, by "The Provisions of Merton" (20 Henry III. cap. 7), it was enacted that, "when an heir cometh to full age, he shall give to his lord and pay him as much as any would have given him for the marriage, before the receipt of his land, and that whether he will marry himself or not; for the marriage of him that is within age, of right pertaineth to the lord of the fee." If persons holding property, and that not unfrequently of great value, were thus coerced in the personal affair of marriage, one may readily judge what was the state of the less opulent and inferior orders. This is, however, further manifested by another statute of the same reign, in which men are classed with woods, houses, and other chattels. The 43 Henry III. cap. 23, directs that "Farmers, during their farms, shall not make waste or sale or exile in woods, houses, *men*, or in anything else belonging to the tenements which they have to farm, unless they have a special grant in the writing of their covenant making mention that they may do so." The *men* here referred to, and with houses and woods guarded from waste, sale, or exile, were the serfs and villeins fixed to the soil, and rendering the farm productive by their labour, to waste or exile whom would make the farm of less value, and therefore be an injury to the lord.

1235.
20 Hen.
III. cap. 7.

1259.
43 Hen.
III. cap.
23.

Our old Saxon institutions, in which the freedom and responsibility of individual action were, to a considerable extent, recognised, could not withstand the aggressive influence of feudalism introduced by the conquerors, and rapidly fell into desuetude. Military chiefs with their armed retainers abounded everywhere. Norman castles sprang up as if by magic throughout the length and breadth of the land, and the longest sword governed, if it did not also make the law.

Under these circumstances the poor, the aged, and the impotent were encumbrances undeserving of care

or consideration ; and if they could not obtain subsistence by begging or stealing, they were left to starve. Those only were cared for who were able to take part in the pageantry, and assist in upholding the power, of the feudal baron or head lord, whose influence, and often whose safety, depended on the number and hardihood of his followers ; and he was seldom fastidious in the selection, provided they were strong and courageous. Honesty was not a necessary qualification. The practised and astute plunderer was most valued as a partisan ; and the chief who was the most reckless and ferocious was certain of having the greatest number of followers of like character, who flocked to him in the hope of sharing in his successes and rioting in unrestrained violence. The number of such adventurers traversing the country and ready for any mischief is described by early writers, and in the preambles to Acts of the legislature, as being very great ; and when to these are added the vagabonds and professed mendicants, partly thieves and partly beggars, moving about from one district or one religious establishment to another, the evil must have been of a magnitude truly appalling.

Edward I.
1272-1307.

1285.
13 Edward
I. "Statute
of Win-
chester."

Thus in the reign of Edward the First, little more than two centuries after the Conquest, we find the "Statute of Winchester" (13 Edward I.) commencing with this recital—"Forasmuch as from day to day robberies, murthers, burnings, and thefts be more often used than they have been heretofore, and felons cannot be attainted by the oath of jurors, which had rather suffer strangers to be robbed, and so pass without pain, than to indict the offenders, of whom great part be people of the same country, or at least if the offenders be of another country, the receivers be of places near." The Act then goes on, in the spirit of our early Saxon legislation, to make the hundred answerable for all robberies perpetrated within its

limits; and it further directs, for the more surety of the country, "that in great towns, being walled, the gates shall be closed from the sun-setting until the sun-rising, and that no man do lodge in the suburbs without his host will answer for him; and the bailiffs of towns are to make inquiry of all persons being lodged in the suburbs, and, if they do find any that have lodged or received any strangers or suspicious persons, the bailiffs shall do right therein." The Act further directs (cap. 5) "that highways leading from one market-town to another shall be enlarged, so that there be no dyke, tree, nor bush, whereby a man may lurk to do hurt, within two hundred foot of the one side, and two hundred foot on the other side of the way. And if percase a park be near to the highway, it is ordered that it be set back two hundred foot from the highway as beforesaid, or that a wall, dyke, or hedge be made, that offenders may not pass to do evil." It is then further ordered, "that every man have in his house harness (or armour) according to his station, to keep the peace."

These enactments indicate a disturbed and insecure state of society. From the precautions taken to guard towns, by closing the gates and searching the suburbs, it must be inferred that the plunderers carried on their avocation in parties, and by combinations more or less numerous. The clearing a space of two hundred feet on each side the roads leading to market towns, for the protection of passengers, is just the precaution taken in India at the present day, when the road passes through a jungle or uninhabited tract of country, in order to protect the traveller from the spring of the tiger—so near does man, when uncontrolled by law, and acting under the influence of his own selfish passions, approach to the nature of a beast of prey proverbial for its ferocity and treachery. It would be impossible for a community to prosper under such a state of things as is here exhibited. Violence would

beget insecurity, insecurity would produce recklessness, which would be followed by poverty and want; and so the round would be continued, beginning with violence and ending in want, which again would occasion the evil of which it was itself a consequence.¹

To break this chain of evil—to guard against the consequences of absolute want, and as far as possible to prevent its occurrence, without at the same time lessening the inducement to honest exertion, or imposing an unnecessary burden on the community, are the legitimate objects of a Poor Law. But the circumstances of the country were not then sufficiently advanced for the application of such a principle. Rude laws were passed prohibiting vagabondage and violence, and inflicting cruel punishments and mutilations on all who were convicted of such offences; but except in the case of the Saxon peasant before mentioned, who, if houseless or landless, was required to place himself under the protection of some householder or landowner, no other means are noticed for obviating or relieving the extremity of want, and thereby preventing one of the most powerful incentives to the commission of crime. At that early period the only idea which seems to have been present to the minds of the governing class was that of coercion and punishment. No thought of prevention, in any shape, appears to have occurred to them.

During the reign of Edward the First, however, the germs of future improvement began to be manifested. The laws were rendered more clear and definite, and were better administered. Robberies, murders, and other outrages were repressed. The roads were improved, and travelling was rendered more secure. The complaints of foreign dealers who brought their wares into England were attended to; and, by the two

1283, 1285.
11 & 13
Edward I.

“Statutes of Merchants” (11 & 13 Edward I.) redress

¹ Compare the author's account of Ireland in 1838, *ante*, note to p. 9, Introduction.

was afforded against the injustice to which they had been exposed, and which is thus described in the preamble to the earlier statute : " Forasmuch as merchants which heretofore have lent (*i.e.* sold) their goods to divers persons be greatly impoverished, because there is no speedy law provided for them to have recovery of their debts at the day of payment assigned ; and by reason hereof many merchants do refrain to come into this realm with their merchandises, to the damage as well of the merchants as of the whole realm." The redress afforded to foreign traders under these Acts, and the other ameliorations of Edward's reign, are manifestations of progress, and all tended to advance civilisation and promote the general weal. By establishing security and greater facilities of communication, social intercourse and the interchange of commodities would be increased, and industry and enterprise encouraged. The effects might not be immediately apparent, but they would be certain in the end ; and in proportion as they were developed, would the condition of the people be improved—that is, unless some adverse influence should impede the growth, or cause the destruction of the good seed thus sown, before it had time to germinate and produce fruit.

That such an influence did exist at this period, all our historians concur in stating. Sir Frederic Eden, a writer of no mean authority,¹ observes : " If we except the baronial proprietors of land, and their vassals the free tenants and socmen, the rest of the nation seems to have been involved in a state of servitude, which, though qualified as to its effects, was uniform in its principle, that none who had been born in or had fallen into bondage, could acquire an absolute right of property." In a subsequent portion of his work he remarks, with respect to the same period, " In both Magna Charta, and the charter of Henry the Third in

¹ Sir F. M. Eden's *History of the Labouring Classes*, vol. i. pp. 7 and 35.

1225, a class of men are mentioned who appear to have been considered in the light of moveable property. The prohibition to guardians from wasting the men and cattle on the estates of minors is a clear proof that villeins who held by servile tenures were looked upon in the light of negroes on a rice, a tobacco, or a sugar plantation. Long after the year 1225 they were considered as a saleable commodity. In 1283 a slave and his family were sold by the abbot of Dunstable for 13s. 4d. ; in 1333 a lord granted to a charity several messuages, together with the bodies of eight natives (villeins) dwelling there, with all their cattle and offspring ; and in 1339 we meet with an instance of a gift of a nief (a female slave), with all her family, and all that she possessed, or might subsequently acquire."

Slavery of
the people.

The state of slavery here described had long existed—it is indeed difficult to say when it did not exist. It prevailed throughout the Saxon period, it was continued and extended by the Normans, and it was not until after the two races had become amalgamated that the people began to struggle for freedom,—feebly and casually no doubt at first, and with uncertain and partial success ; but the impulse once given, the stream once set in motion, it continued to flow onward with an accelerating force, until the last remnant of bondage was swept from off the land.

It took centuries, however, to accomplish this change. The evil was closely mingled with the institutions of the country, and required much time and successive efforts for its eradication. So long as it existed in any shape no great or permanent improvement could take place in the condition of the people, for slavery is a plant of such noxious growth, that nothing good will flourish near it. Wherever it prevails—where man is himself a property, he can have no rights or independent will, and is without the personal responsibilities which attach to a state of

freedom. The great majority of a people, whatever their social condition, must of necessity be devoted to manual occupation of some kind ; but if they are in a state of slavery, their wants are provided for, they are clothed, fed, maintained by their masters, to whom they belong, and who are entitled to the fruits of their labour. They are therefore without property, and are themselves the property of others, on whom devolves the charge of providing for their wants, present and prospective.

Serfdom and villeinage are only modifications of slavery, and, so long as these prevailed, there could be no call for any special provision for the destitute. The persons who, if free agents and in a destitute state, might have been properly relieved out of the common stock, would, as serfs or villeins, have a claim on their masters, to whom they belonged, and who were bound to provide for them. To afford relief to such persons would therefore in reality be to relieve their masters at the public charge, and thereby exonerate them from the performance of a duty properly incidental to their position.

A state of slavery, in whatever form, and under whatever designation, whether as vassals, serfs, or villeins, is so directly opposed to all the best impulses of our nature, that sooner or later mankind are sure to rise up against it and demolish its chains. The demolition may take place gradually, and by successive efforts on the part of the people themselves, as time and opportunity serve ; or it may be accomplished by a great convulsive movement arising out of some stirring and sudden event ; or it may be consummated by the master class taking an enlarged view of their true interests, and wisely considering that creatures of their own race, having the same hopes and fears, feelings, passions, and capabilities as themselves, cannot long or safely be kept in what may be called a state of

negation. But in one way or the other it is sure at some time to be effected.

The
Crusades.

The crusades in which the Christian powers of Europe engaged for wresting Jerusalem from the dominion of the Saracens, and which with occasional intermissions were continued from the preaching of Peter the Hermit in 1096, to nearly the end of the thirteenth century, must have exercised a considerable influence on the manners and habits of the period. The numbers who engaged in these enterprises were very great. In the first crusade the Hermit is said to have led a million of combatants to the shores of the Bosphorus. About a century afterwards Palestine became, under our Lion-hearted Richard and his magnanimous opponent Saladin, the chief field of heroic and chivalrous enterprise. It was also a field of superior civilisation; and on their return, the pilgrim warriors brought from thence a knowledge of arts and usages to which they would find no parallel in their own country, but which they would naturally endeavour to implant there. The crusades must therefore be regarded as being, on the whole, favourable to social improvement. They no doubt largely promoted the extension of commercial intercourse.

1284.
12 Edw. I.
"Statutes
of Wales."

In the year 1284 Wales was finally annexed to the English Crown, and by 12 Edward I. a code of laws and municipal regulations was established for that country, which thenceforth may be considered a portion of England. The statute commences thus: "Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all his subjects of his land of Snowdon." It then recites, that Divine Providence, which is unerring in its judgments, having "now of its favour wholly and entirely transferred under our dominion the land of Wales with its inhabitants, heretofore subject unto us in feudal right, and annexed and united the same unto the Crown of this realm as a

member of the same body"—the king, being desirous that the land of Snowdon should be governed with due order, and that the people should be protected in security under fixed laws, caused the laws and customs of those parts hitherto in use to be rehearsed before him and the nobles of his realm, by whom the same were diligently heard and considered; after which certain of them were abolished, some were allowed, and others were corrected, and likewise certain others were added thereto, and the whole were ordained and commanded to be "from henceforth for ever steadfastly kept and observed." The statute then goes on, at much length, to enact a code of laws for Wales, not very dissimilar from those of England, and differing chiefly where the different circumstances of the two countries appeared to render it necessary or expedient.

The Welsh people at that time were far more rude and uncivilised than the people of England, and being secluded in their mountain fastnesses, and continually engaged in border depredations, their improvement under such circumstances was not likely, if it were not nearly impossible. The establishment of a uniform code of law, administered under the supervision of a stable and vigorous government, must therefore have been a great boon to Wales, and whatever improvement has taken place in the condition of its people may be dated from that period. The Welsh language has, however, continued to prevail very generally even to the present day, and has thus prevented the country from participating so largely as it ought to have done in the great advance in literature, science, and social institutions which has taken place in England. This must be lamented by all who are anxious to improve the condition of the Welsh people, one of the first steps to which would be the diffusion of English literature and information through the medium of a common language.

Condition
of the
Welsh
people.

The final annexation of Wales by Edward the First was not one of the least memorable acts of his reign, so fertile in events of the highest interest and importance. Had his efforts for the similar annexation of Scotland been successful, it would have brought the whole British island under one government, and averted a vast amount of evil; but this consummation was reserved for a subsequent period. Edward repressed the disorders which had sprung up during his father's feeble reign, and compelled his turbulent barons to submit to the law, which he at the same time so enlarged and improved as to earn for himself the title of the English Justinian. To him we owe the establishment of justices of peace, and the settlement of the jurisdiction of the several law courts. His courage, industry, and penetration were alike conspicuous, and he was in every respect a great and politic sovereign. He died on the 7th of July 1307, and was succeeded by his son, Edward the Second, whose character was in all respects the reverse of that of his father.

Edward II.
1307-1327.

Before the end of the reign of Edward the Second, a middle class of men arose, who, although not altogether free, were not subjected to the absolute and unconditional services of personal bondage. Such were the servile tenants of manors, who were permitted to occupy small portions of land, and were at the same time required at certain seasons to assist in the cultivation of the demesnes of their lords. It is stated on competent authority,¹ that as early as the year 1257, a servile tenant, if employed before Midsummer, received wages; and in Edward the First's reign he was permitted, instead of working himself, to provide a labourer for the lord, from which it is obvious that he sometimes possessed the means of hiring one. Free labourers must therefore have then existed, although they were probably not numerous; but their number would go

A middle
class arose.

¹ Sir F. Eden's *History of the Labouring Classes*, vol. i. p. 12.

on increasing, and the circle of freedom would thus be gradually enlarged.

As population increased, the people would naturally begin to exercise the power which numbers confer. The old ties of serfdom and villeinage were becoming more and more relaxed, and each succeeding year witnessed an addition to the number of those exonerated from thralldom. The labouring classes generally were left more free to follow their own devices, as they asserted their freedom by combining together for the purpose. The distinction of race had moreover at this period nearly disappeared. “Early in the fourteenth century the amalgamation of the races was all but complete; and it was soon made manifest by signs not to be mistaken, that a people inferior to none existing in the world had been formed by the mixture of three branches of the great Teutonic family with each other and with the aboriginal Britons.”¹ This mixture and amalgamation must have added greatly to the strength and importance of what may be emphatically called the people. Separated into races, they were feeble—united, they were strong; and being now thus united, they were able to work out their deliverance from villeinage, and vindicate their right to freedom, with greater celerity and certainty than would otherwise have been practicable.

Mingling of
the races.

The change from a state of slavery to a state of freedom at this time in progress was, however, like all other great changes, attended with a certain amount of evil—it led to a great increase of vagrancy. Many of those who had struggled for and asserted their own freedom resorted to begging and vagabondism, and not unfrequently to violence, whenever employment, or the means of honest livelihood, was not readily obtainable, and sometimes even when it was. The idle and the evil-disposed were of course the first to do this, and the

Advance of
freedom.
Increase of
vagrancy.

¹ Macaulay's *History of England*, vol. i. p. 18.

unsettled character of the period fostered and gave licence to the vocation of a beggar, which, moreover, received direct encouragement from the almsgiving inculcated by churchmen, and practised by the religious communities. We cannot wonder, therefore, that mendicancy and vagabondism should have increased with the spread of freedom, or that they were regarded as nearly connected by the master class, who could hardly be expected to have a friendly feeling for the one, and who suffered from the growing evils of the other. These evils are vividly described in the preambles to the various statutes enacted for their correction, and must have at length become of serious magnitude. Yet even in these evils the germ of a good is apparent, for, if the people had not ceased to be slaves, they could not have possessed a freedom of action, or resorted to vagrancy as a means of living. As vagrants they might be coerced or reclaimed, and become good citizens; as slaves they would be irreclaimable, and would continue to taint and deteriorate the whole community. The change, therefore, even when accompanied by its drawback of vagabondage and mendicancy, must be regarded as conferring important benefits.

Edward
III.
1327-1377.

The feeble and disorderly reign of Edward the Second affords no matter for observation, except it be to lament the evils which prevailed throughout it, and its melancholy termination. The youth of his successor, Edward the Third, rendered him at first unfit for controlling the elements of discord and confusion which had sprung up under his father, and violence and disorder continued for a time to prevail; but the young king gave early indications of energy and talent, and his long and eventful reign constitutes one of the most important epochs of our history, whether regarded in a purely social or in a general point of view.

The first effort made in the new reign for restor-

ing order, was by the "Statute of Northampton" (2 Edward III.), which, after again establishing the Great Charter in all points, proceeds to enact—"That no man, great nor small, of what condition soever he be (except upon a cry made to keep the peace), be so hardy as to come before the king's justices, or other of the king's ministers, with force and arms, nor to go nor ride armed by night nor by day in fairs or markets, nor in presence of the justices or other ministers, nor elsewhere, upon pain to forfeit their armour to the king, and their bodies to prison at the king's pleasure." And "as to punishment of felonies, robberies, man-slaughters, trespasses, and oppressions of the people, committed in times past," the king is empowered to appoint justices in divers places (as was done in the time of Edward the First) "of great men of the land, which be of great power, with some of the justices of one bench or the other, and other learned men in the law, to inquire, hear, and determine all manner of felonies, robberies, manslaughterers, thefts, oppressions, conspiracies, and grievances done to the people against the law and custom of the land, as well by king's ministers as by others whatsoever they be, and that as well within franchise as without."

1328.
2 Edward
III.

More stringent measures, however, appear to have been required for repressing violence and disorder, and three years after the above, 5 Edward III. sec. 14 was passed.¹ It recites, "Whereas in the Statute of Win-

1331.
5 Edw. III.
sec. 14.

¹ By a footnote it appears that this and the other statutes of this reign were sent into Ireland in the form of letters-patent, with the writ following:—"The King to his trusty and well-beloved Anthony de Lucy, his justice of Ireland, greeting. Certain statutes by us and the prelates, earls, barons, and other great men of our realm set forth in divers our parliaments since we took upon us the government, we do send unto you in form of letters-patent, commanding that the statutes aforesaid and all the articles therein contained, in our aforesaid land of Ireland, as well within liberties as without, you do cause to be publicly proclaimed, and, so much as to you and our people of those parts belongeth, to be firmly kept and observed."

chester (13 Edward I.) it is contained, that if any stranger pass by the country in the night, of whom any have suspicion, he shall presently be arrested and delivered to the sheriff, and remain in ward till he be duly delivered; and because there have been divers manslaughteres, felonies, and robberies, done in times past by people that be called roberdesmen, wastors, and draw-latches, it is accorded, That if any man have any evil suspicion of such, *be it by day or by night*, they shall be incontinently arrested and kept in prison till the coming of the justices assigned to deliver the gaol, who shall proceed to the deliverance of such persons according to law." Thus the power given by the statute of Edward the First to arrest suspicious persons in the night-time, is now extended to the day as well, and better provision is made for bringing such persons to trial.

But the king's attention was not confined to establishing order and repressing violence at home, or to the foreign wars in which he was engaged; he further aimed at increasing the power and improving the condition of the country by fostering commerce. In the second year of his reign, "The staples beyond sea, and on this side, ordained by kings in times past," were abolished, and merchant strangers were permitted freely to come and go with their merchandise. More full provision in this respect is also made by 9 Edward III., which recites, "That great duress and grievous damage have been done by some people of cities, boroughs, ports of the sea, and other places, which in long time past have not suffered nor yet will suffer merchant strangers nor others which do carry and bring in by sea or land wines and other livings and victuals, with divers other things necessary and profitable, to sell or deliver such wines, etc., to any other than to themselves, by reason whereof such stuff aforesaid is sold to the king's people more dear than they should be if such merchant strangers

1335.
9 Edward
III.

and others might freely sell them to whom they would. And it is therefore ordained—"That all merchants, strangers, and denizens, and all other of what estate or condition soever they be, that will bring or sell corn, wines, averdepois, flesh, fish, and all other livings and victuals, wools, clothes, wares, merchandises, and all other things vendible, from whencesoever they come, by foreigners or denizens, at what place soever it be, city, borough, town, port of the sea, fair, market, or elsewhere within the realm, may freely, without interruption, sell them to what persons it shall please them, as well to foreigners as to denizens," and all charters and usages to the contrary are declared void.

Fifteen years afterwards this statute was confirmed by 25 Edward III., which still more earnestly denounces all impediments to the freedom of traffic. It directs that the above statute shall be in all points kept and maintained, and that any statute, charter, proclamation, usage, or judgment to the contrary "shall be void and holden for none." And further, that "every merchant or other, as well alien as denizen, that shall bring any manner of merchandises or chaffer to the city of London, or other cities, boroughs, towns, or ports of the sea, may freely, and without challenge or impeachment of any, sell in gross, or at retail, or by parcels, at his will, to all manner of people that will buy the same, notwithstanding any franchises, grants, or customs to the contrary; sithence that such usages and franchises be to the common prejudice of the king and his people." This distinct assertion of the great principle that privileges were not to be enjoyed by one class to the injury of another, by the few to the prejudice of the many, was doubtless most important. It, in fact, comprises all that has been contended for by enlightened statesmen in every age, and its open recognition by the sovereign and legislature could

1350-51.
25 Edward
III.

not fail of producing a beneficial effect upon all the other social relations. If chartered and accustomed privileges were not to be retained by corporations, how could they be retained by individuals? how could vassalage be maintained, or serfdom upheld? The abolishing of such chartered privileges, and the reasons on which the abolition is here grounded, indicate a great advance in the march of freedom, socially and commercially.

It has been said that "the more ancient statutes for regulating the poor were enacted to repress their vagrancy, not to provide for their maintenance,"¹ and it is impossible to deny the justice of this observation. But the vagrant was generally a beggar, and the beggar was always a vagrant; so that it would have been extremely difficult, if not impossible, for the legislators of that early period to discriminate between the two. They therefore took them together, apparently regarding them as identical; and they probably hoped by repressing vagrancy to put an end to all the evils connected with it. Accordingly, in the "Statute of Labourers," so often referred to by writers on the subject of the poor, it is among other things enacted—"That because many valiant beggars, as long as they may live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abomination, none, upon pain of imprisonment, shall, under the colour of pity or alms, give anything to such which may labour, or presume to favour them in their sloth, so that thereby they may be compelled to labour for their necessary living." The "valiant beggars" here described must be taken to include the vagrant class generally, to none of whom, if able to labour, are alms to be given; but it is not prohibited to give alms to such as are *not* able to labour. The

1349.
23 Edward
III.

¹ Nolan's *Treatise on Relief and Settlement*.

prohibition in one case seems to be equivalent to a sanction in the other, and the distinction is left to be worked out and applied by the public.

The reason assigned for passing this statute,¹³⁴⁸ and the several enactments it contains, deserve ^{The great} particular notice, as throwing light on the condition of the people in the year immediately following the great plague, which occurred in 1348, and swept from east to west over the then known world, making the most frightful ravages. It reached London the latter end of that year, and thence spread throughout England, attacking both man and beast; and it has been said that one half the population were destroyed by the dreadful visitation.

Such was the period at which the "Statute of Labourers" was passed. It begins by stating, that ^{1349.} ²³ "Because a great part of the people, and especially workmen and servants, late died of the pestilence, many, seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living"; and then it goes on to direct "that every man and woman, of whatsoever condition, free or bond, able in body, and within the age of threescore years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other, shall be bound to serve him which him shall require, and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve. And if any such man or woman, being so required to serve, will not the same do, and that be proved by two true men before the sheriff, or the bailiffs or constables of the town, he shall anon be taken and committed to gaol, there to remain under strait

keeping till he find surety to serve in the form aforesaid." The Act then directs, that "if any reaper, mower, or other workmen or servant, retained in any man's service, do depart from the said service without reasonable cause or licence before the time agreed, he shall have pain of imprisonment"; and none under the same pain are to receive or retain any such in his service. And it is further directed "that no man pay, or promise to pay, any servant any more wages, liveries, meed, or salary, than was wont, nor in other manner demand or receive the same, upon pain of doubling of that, that so shall be paid, promised, required, or received, to him which thereof shall feel himself grieved, pursuing for the same."

In like manner sadlers, skimmers, white-tawers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights or boatbuilders, carters, and all other artificers and workmen, are prohibited from taking "for their labour and workmanship above the same that was wont to be paid to such persons five or six common years next before; and if any man take more he shall be committed to the next gaol." The attempt to limit prices by law was not confined to the article of labour. The statute proceeds—"Butchers, fishmongers, hostlers, brewers, bakers, pulters, and all other sellers of all manner of victual shall be bound to sell the same for a reasonable price, having respect to the price that such victual be sold at in the places adjoining; so that the same sellers have moderate gains reasonably to be required, according to the distance of the place from whence the said victuals be carried. And if any sell such victuals in any other manner, and thereof be convicted, he shall pay the double of the same that he so received to the party damnified, or, in default of him, to any other that will pursue in his behalf."

A copy of this statute was sent to each of the bishops, with a request that it might be published in the churches and other places of his diocese, and that he would "direct the parsons, vicars, ministers of such churches and others under him, to exhort and invite their parishioners, by salutary admonitions, to labour and observe the ordinances aforesaid, as the present necessity requireth."

It appears that the benefits expected from the above statute, notwithstanding the co-operation of the clergy, were not realised, for in less than two years another was passed (25 Edward III.) in amendment and continuation of it. This Act begins by reciting—<sup>1350-51.
25 Edward
III.</sup>

"Whereas late against the malice of servants, which were idle and not willing to serve after the pestilence without taking excessive wages, it was ordained that such servants, as well men as women, should be bound to serve receiving salary and wages accustomed. And now, forasmuch as it is given the king to understand in this present parliament, by petition of the commonalty, that the said servants, having no regard to the said ordinance, but to their ease and singular covetise do withdraw themselves to serve great men and other, unless they have livery and wages to the double or treble of that they were wont to take before, to the great damage of the great men, and impoverishing of all the said commonalty"; wherefore it is ordained, that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, and all other servants, shall take liveries and wages accustomed. Where wheat was wont to be given, they shall take it, or for the bushel 10d., at the will of the giver. They shall be hired to serve by a whole year, or by other usual terms, and not by the day. In time of "*sarcling*" or haymaking their wages are to be but a penny the day. A mower of meadows is to be paid for the acre 5d., or by the day 5d. Reapers of corn in the first week of August

<sup>Scale of
wages.</sup>

2d., in the second and subsequent weeks 3d., and less in the county where less was wont to be given, "without meat or drink or other courtesie to be demanded, given, or taken." Threshers are not to take for threshing a quarter of wheat more than 2d., and for the quarter of barley, beans, pease, and oats, 1d., "if so much were wont to be given."

The Act further provides that the said servants are to be sworn twice in the year "to hold to do these ordinances," and it directs, "that none of them go out of the town where he dwelleth in the winter, to serve the summer, if he may serve in the same town." But there is a saving in behalf of "the people of the counties of Stafford, Lancaster, and Derby, and people of Craven, and of the marches of Wales and Scotland," who are permitted to come in harvest-time, and safely return, as they were wont to do beforetime. The permission thus given to the people of these districts to "go a harvesting" is a proof that the rural population of the southern parts of England was then, as in the present day, insufficient for performing the work required at harvest-time; and it may also be regarded as a proof that the mode of cultivation and the habits of the people in the places named, were such as to admit of a portion of the population migrating to other districts at certain seasons, as has been the practice with so many of the Irish of late years.

The wages of carpenters, masons, tilers, and other workmen of houses, are in like manner fixed by this Act. A master carpenter at 3d., and another at 2d. a day; a master or free stone-mason 4d., other masons 3d., and their servants 1d.; tilers 3d., and their knaves 1d.; other coverers of fern and straw 3d., and their knaves 1d.; and plasterers and workers of mud walls and their knaves the same, without meat or drink. Carriers by land or by water, hostlers, victuallers, cordwainers and shoemakers, goldsmiths, saddlers,

horseshmiths, sporriers, tanners, curriers, tawers of leather, tailors, and other workmen, artificers, and servants not here specified, are to be "sworn before the justices to do and use their crafts and offices in the manner they were wont to do in the time before." And in order to ensure the observance of the Act by all these several parties, the stewards, bailiffs, and constables of towns, are to be sworn "to inquire diligently, by all good ways they may, after all who act contrary to this ordinance, and certify their names to the justices, when they shall come into the country to make their sessions; so that the same justices, on being so certified of the names of the rebels, shall do them to be attached by their body to answer of such contempt, and to find surety to serve, and take and do their work, and sell things vendible, in the manner aforesaid." And in case of any one being convicted of breaking his oath, he is to be imprisoned forty days, and for a second conviction "he shall have imprisonment of a quarter of a year; so that at every time he offendeth, and is convict, he shall have double pain."

With reference to the above prices of labour, Hume observes: "It is remarkable that in the same reign the pay of a common soldier, an archer, was sixpence a day, which by the change both in denomination and value would be equivalent to near five shillings of our present money. Soldiers were then enlisted only for a very short time. They lived idle all the rest of the year, and commonly all the rest of their lives. One successful campaign, by pay and plunder and the ransom of prisoners, was supposed to be a small fortune to a man, which was a great allurements to enter into the service."¹

The two statutes just noticed (23 & 25 Edward III.) are identical in their object, and must be taken as forming one enactment. They both aim at estab-

¹ Hume's *History*, vol. ii. p. 496 of the edition of 1782.

lishing uniformity of price, as well for commodities as for labour, and they likewise aim at effecting such a distribution of the labourers as would, in the opinion of the framers of these Acts, secure a proportionate supply to each locality. A new element is thus introduced, and an attempt now first made to fix and render permanent that which in its very nature is variable and uncertain, and this, moreover, at a time when there were more than ordinary obstructions in the way of such legislation. The population of the country had been thinned by the destructive wars, foreign and domestic, of the preceding half-century. Hardly four years had elapsed since the battle of Crecy,¹ and the fearful pestilence, said to have carried off nearly a moiety of the people, had only just ceased its ravages.—At this period, when the labouring classes were diminished in number, and when the demand for labourers must consequently have been increased, the legislature commenced that series of attempts for establishing a low and uniform rate of wages, and also for confining the labourer to one particular locality, which was so long persevered in, inflicting much hardship, impeding improvement, and in the latter case ending, after an interval of three centuries, in establishing a general law of settlement.

1360-61.
34 Edward
III.

Nine years after the last of the preceding Acts, 34 Edward III. was passed, imposing an additional penalty upon all labourers and artificers who absented themselves from service, and directing that they should be branded on the forehead with the letter F, “in token of falsity.” At the same time a fine of £10 was imposed on the mayor and bailiffs of any town “who refused to deliver up a labourer, servant, or artificer” that had so left his service, together with a further fine of 100 shillings, to be paid to the person whose

¹ On the 25th of August 1346, under Edward III. and his heroic son, “the Black Prince.”

claim for such delivery had been so refused,—a proof this that the rural population were seeking to escape from feudal servitude by taking refuge in towns.

By 37 Edward III. a number of regulations were established on a variety of subjects, beginning with the price of poultry, which was fixed at 4d. for a goose, the same for an old capon, 3d. for a young one, 2d. for a hen, and 1d. for a pullet. The Act then directs that merchants shall deal in one sort of merchandise only, on penalty of fine and forfeiture, and commissioners are appointed to enforce this provision. In like manner handicraftsmen were restricted to one trade or mystery, and the diet and apparel of servants were minutely regulated. “Grooms and servants of lords, as well as they of mysteries and artificers,” are to have meat once a day of flesh or of fish, and the remnant of milk butter and cheese and other such victuals, according to their estate; and they are to have clothes for their vesture or hosing, whereof the whole cloth shall not exceed two marks; and they are to wear nothing of silk or of gold or silver embroidered; and their wives and children are to be of like condition in their clothing and apparel. The Act then, with similar exactitude, prescribes the clothing and apparel to be worn by “handicraftsmen and yeomen, and by esquires and gentlemen, and by merchants and citizens, and by knights and by the clergy,” and lastly, by “carters, ploughmen, drivers of the plough, oxherds, cowherds, shepherds, swineherds, and other keepers of beasts, threshers of corn, and all manner of people attending to husbandry, and all other people that have not forty shillings of goods and chattels.” These latter, from the carter downwards, are prohibited from wearing “any manner of cloth but blanket and russet of 12d. a yard, with girdles of linen, according to their estate; and they are to eat and drink in the manner as pertaineth to them, and not excessively.” And finally,

1363.
37 Edward
III.

Clothes to
be worn by
the several
orders of
men pre-
scribed.

“to the intent that this ordinance may be maintained and kept in all points without blemish, it is ordained that all makers of cloth within the realm shall conform them to make their cloths according to the price limited by this ordinance.”

Such were the restrictions imposed at this period on native industry, and this, too, in the reign of one of our ablest sovereigns. It has been justly remarked, “that there is not a reign among those of the ancient English monarchs which deserves more to be studied than that of Edward the Third, nor one where the domestic transactions will better discover the genius of that kind of mixed government which was then established in England.”¹ On this account, therefore, fuller extracts have been made from the statutes passed in this reign than might otherwise have been necessary, with the view of affording an insight into the opinions then prevalent, as well as into the habits of the people, their position with respect to the superior classes, and the views of these latter in regard to duties reciprocally required from them.

That the attempt to establish a uniform rate of wages was injudicious, that so far as the attempt succeeded it would prove mischievous, and that in the end it would entirely fail, we are now well assured. The same may be said of the attempt to regulate apparel, and the price of butcher’s meat and other food. On these matters the general advance of intelligence has produced a corresponding improvement in modern legislation. But with respect to the restrictions imposed upon the labourer, chaining him as it were in one particular locality—however hurtful it may have been to the labourers themselves, however mischievous to the masters, and however impolitic in other respects—modern legislation has comparatively made little advance. On this head, the ancient policy

¹ Hume’s *History of England*, vol. ii. p. 499.

has continued to prevail in some shape or other, and virtually exists even at the present day.

The circumstances which led to these enactments, and the motives by which the legislature was influenced, are sufficiently indicated in the Acts themselves. The demand for labour at that time exceeded the supply. War and pestilence had destroyed vast numbers of the people, and those who were left became of more value, of greater importance, required higher wages, were less obedient, less tractable, and no doubt acted in various ways differently from what they were wont to do at former periods—in short, they now probably tyrannised in their turn. This was all very natural; and it was natural also that the employers of labour, and the master class generally, should feel aggrieved by such a change. They would probably look back to the times of villeinage and serfdom with regret, and might wish to re-establish that control over the labouring classes which had been lost in the progress of society, and the want of which they were led by late events more urgently to feel, and to consider as necessary both for their own ease and for the general good.

It has been recently stated by a high authority that the origin of the English Poor Laws “was an attempt substantially to restore the expiring system of slavery”;¹ and this may, indeed, be said to have been the case as regards the statutes limiting the price of labour, and requiring persons to serve at certain rates of wages, and compelling residence in particular localities; but it can hardly be so said with respect to the enactments for repressing vagabondage, which was then the great and palpable evil of the day. The vagrant class comprised all the idle and the dissolute, the perpetrators of burnings, robberies, murders, and every description

¹ See an article on Poor Law Reform, understood to be written by Mr. Senior, in the *Edinburgh Review*, No. 149, vol. lxxiv. p. 2, Oct. 1841.

of violence and crime. Beggars were generally vagrants, and often not distinguishable from them; and against this vagabond and vagrant class, taken as a whole, the coercive legislation of the period was directed, doubtless with a view to the suppression of violence and disorder, but without exempting the merely poor and destitute, who, although less culpable, if culpable at all, were still regarded as belonging to the class.

That there was at this time cause for coercive legislation cannot be denied. In describing the state of England at the end of Edward the Third's reign, Mr. Hume remarks: "As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed. Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity, were the chief abettors of robbers, murderers, and ruffians of all kinds, and no law could be executed against those criminals. The Commons made continual complaints of the multitude of robberies, murders, rapes, and other disorders, which they say were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great. The King of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue."¹ On the preceding reign of Edward the Second, it is remarked: "The disorders of the times from foreign wars and intestine dissensions, but above all, the cruel famine which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the kingdom, and no place was secure from their incursions.

¹ Hume's *History*, vol. ii. pp. 493, 369, 321, and 227, edition of 1782.

They met in troops like armies, and overran the country. Two cardinals, themselves the pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage when they travelled on the highway." There was less disorder under Edward I., of whose reign the same writer remarks: "The chief obstacle to the execution of justice was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe and restraining their illegal practices. He took care that his subjects should do justice to each other, but he desired always to have his own hands free in all his transactions, both with them and with his neighbours." But in the long and feeble reign of his predecessor, Henry the Third, which ended in 1272, a very different state of things existed. Mr. Hume, speaking of this reign, and quoting from the Chronicle of Dunstable, says, "that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom."

These quotations are inserted as testifying to the disregard of law, and the violence, disorder, and insecurity which had prevailed throughout the country for a very long period. Of this state of things vagabondism was both a cause and consequence, and against vagabondage in its various forms the legislature directed its enactments. These, however, proved ineffectual. They neither put an end to vagabondage nor prevented persons from seeking to better their condition by change of service; for in 1376, just at the close of Edward the Third's reign, we find the Commons making great complaints that servants and labourers quitted service on the slightest cause, and then led an idle life in towns, or wandered in parties about the country, "many becoming beggars,

Prevalence
of violence
and dis-
order.

others staff-strikers, but the greater number taking to robbing." To remedy these evils, the Commons propose—that giving relief or charity to persons able to work should be prohibited; that vagrant beggars and staff-strikers should be imprisoned until they consented to return home to work; and that whoever harboured a runaway servant should be liable to a fine of £10, an immense sum in those days. This proposal of the Commons, however, does not appear to have been adopted by Parliament; and the death of the king, not long after, put a stop to further proceedings in the matter for a time.

The administration of Edward the Third was much less vigorous and popular in the latter years of his reign than it had been in the earlier portion; and the disorders which he at first repressed with a strong hand, began again to prevail, preparing the way for that struggle between the master and the servile classes which broke out with so much violence in the time of his successor. The extreme youth and the feeble character of Richard the Second ill-qualified him for dealing with the difficulties of the position to which he succeeded, and his unfortunate reign of twenty-two years presents one continuous scene of violence and disorder.

Richard II.
1377–1399.

1377.
1 Richard
II. cap. 6.

The first Act in connection with our subject, after the accession of the new sovereign, was 1 Richard II. cap. 6. It refers to grievous complaints by the Lords and Commons, of villeins and land-tenants withdrawing their services "under pretext of exemplifications from the Book of Domesday, and by their evil interpretation of the same they affirm themselves to be quit and utterly discharged of all manner of servage (serfage) due as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them, but do menace the ministers of their lords, and gather themselves together

in great routs, and agree by such confederacy that every one shall aid other to resist their lords with strong hand, to the great damage of their said lords and evil example to other to begin such riots." It is then ordained, that the lords which feel themselves grieved shall have special commissions under the great seal, addressed to the justices of peace and other sufficient persons, "to inquire of all such rebels, and of their offences, their counsellors, maintainers, and abettors, and to imprison all those that thereof shall be endited before them, as well for the time past as the time to come, without delivering them out of prison by mainprise, bail, or otherwise, without assent of their lords, till they thereof be attainted or acquit. Provided always that if the said villeins or land-tenants, rebels, be thereof attainted, they shall in no wise be delivered till they have made a fine to the king, and also have the assent of their lords afore-said."

This enactment plainly indicates what was then working in the popular mind, which was further manifested in the following year by the passing of 2 Richard II. cap. 6, which recites that the king hath perceived, as well by complaints made to him as by his own knowledge, "that divers of his liege people in sundry parts of this realm, as also the people of Wales, in the County of Hereford, and the people of the County of Chester, with the counties adjoining, some of them claiming to have right to divers lands, tenements, and other possessions, and some espying women and damsels unmarried, and some desiring to make maintenance in their marches, do gather them together to a great number of men-of-arms and archers in the manner of war, and confederate themselves by oath and other confederacy, not having consideration to God nor to the laws of Holy Church, nor of the land, nor to right nor justice; but, refusing and

1378.
2 Richard
II. cap. 6.

Riots, combinations, and daring outrages.

setting apart all process of the law, do ride in great routs in divers parts of England, and take possession and fix themselves within divers manors, lands, and other possessions, of their own authority, and hold the same with such force, doing there many apparelments of war; and in some places do ravish women and damsels, and bring them into strange countries, where please them; and in some places lying in wait with such routs, do beat and maim, murder and slay the people, for to have their wives and their goods, and the same women and goods retain to their own use; and sometimes take the king's liege people in their houses and bring and hold them as prisoners, and at the last put them to fine and ransom, as it were in a land of war; and sometimes come before the justices in their sessions in such guise with great force, whereby the justices be afraid, and not hardy to do the law; and do many other riots and horrible offences, whereby the realm is put in great trouble," etc. For remedy of which evils, and desiring above all things the peace and quietness of the realm, and that the good laws and customs thereof be kept and maintained in all points, and offenders duly punished, it is ordained by the king, with the assent of Parliament, "that none be so hardy from henceforth as to do anything that shall be in affray of the people or against the peace." And it is further ordained, "that certain sufficient and valiant persons, lords and others, shall be assigned by the king's commission in every county, which shall have power, as soon as they know or be credibly certified of any assemblies, routs, or riotings, of offenders, baratours, and other such rioters, in affray of the people and against the peace, to arrest them incontinent without tarrying for indictments or other process of law, especially the chieftains and leaders of such routs, and send them to the next gaol, with the cause of

their arrest clearly put in writing, there to abide till the coming of the justices into the country, without being delivered in the meantime by mainprise, bail, or other manner."

The daring outrages here described seem to warrant the application of such a remedy as is here provided; yet from some cause, whether of its maladministration, or the dislike of the "valiant persons" selected to carry it into effect, or jealousy of the sovereign power, this enactment seemed "very grievous" to the Commons, and at their prayer it was "utterly repealed and annulled" the next year, and all who had been imprisoned under it, "without other indictment," were declared to be "utterly delivered." An eminent writer on Constitutional Law remarks, with reference to the immediate repeal of this enactment at the instance of the Commons, that "so sensitive was their jealousy of arbitrary imprisonment, that they preferred enduring riot and robbery to chastising them by any means that might afford a precedent to oppression, or weaken men's reverence for Magna Charta."¹

These two statutes of Richard the Second show that a great social revolution was then in progress. Persons who had long been held in a state of bondage were day by day more strenuously manifesting their determination to be free; and the smaller holders of land, who were liable to be called upon by their lords for a certain amount of labour, or were required to perform certain services in lieu thereof, were evading the performance, and obtaining by force or by fraud exemption from their accustomed tasks. It was in short a struggle of the servile many against the claims of the superior few; and, like all such struggles, it was pretty certain in the long run to terminate in favour of the greater number. Yet the nobility and

¹ Hallam's *Middle Ages*, vol. iii. p. 253.

gentry, the chivalry of England, strove hard to retain their ancient authority over their vassals, and relinquished it only, as it were, inch by inch, as it was successively wrested from them by the pertinacity of the peasantry and the people, who it must be confessed did not always make a right use of their victory.

This contest could not fail to generate a certain amount of hostile feeling between the master and inferior classes, and it is remarkable that a similar state of things existed at this time both in Flanders and in France, the two countries most intimately connected with England, and with whose people our own were in habits of continual intercourse. There can be little doubt therefore that the feeling prevalent in one country was communicated to, and produced an effect on the others. The movement in each tended to the same objects, that is, to the emancipation of the people from villeinage and forced servitude of every kind, and to an assertion of personal freedom and equality of civil rights. In Flanders this spirit of independence was nurtured by the commercial enterprise and manufacturing industry which had long flourished there; and which, wherever prevalent, has not failed to give rise to free and liberal institutions. England must have felt somewhat of a like influence, commerce having been fostered and encouraged throughout the long reign of Edward the Third, as the numerous Acts respecting it passed therein sufficiently testify. He also promoted the establishment of a native woollen manufacture, English wools having previously been for the most part exported, generally to Flanders, for the purpose of being there made into cloth.

Spread of
freedom.

1381.
Wat Tyler's
rebellion.

Early in the summer of 1381, less than three years after the passing of 2 Richard II., the outbreak under WAT TYLER took place. The ostensible cause was the people's dislike of the poll-tax of a groat a

head, which had been imposed in 1377 upon every person of fourteen and upwards; but the public mind was then in a state fitted for the reception of any violent impulse. The train was laid, and a casual spark would ignite it. The explosion was in this instance caused by the indecent conduct of a collector of the tax towards a young female, the daughter of one Walter, a tyler, residing in the town of Dartford, who immediately with his hammer beat out the collector's brains. The bystanders applauded the action, and flew to arms, exclaiming that it was time for the people to assert their liberty, and take vengeance on their oppressors; and the flame rapidly spread throughout the country. Walter the Tyler, or "*Wat Tyler*" as commonly called, was appointed their captain, and, by the time the insurgents reached Blackheath, their number is said to have amounted to a hundred thousand. The demands made by these peasant rebels were four—

1st. The total abolition of slavery for themselves and their children for ever.

2nd. The reduction of the rent of good land to 4d. the acre.

3rd. The full liberty of buying and selling, like other men, in all fairs and markets.

4th. A general pardon for all past offences.

These demands would not now be all considered unreasonable, except the second, the tenor of which warrants the supposition that the insurgents did not consist of the peasantry alone, but that the inferior tenants and occupiers of land took part in the movement. The demands were at once acceded to by the young king; but the insurgents became more exacting as their numbers increased, and the commotion was at length terminated by the death of Wat Tyler in Smithfield, and by the king's putting himself at the head of the rioters when Tyler fell, and calling upon

the people to follow him as their leader, which, after a little wavering, they instinctively did.

This outbreak was not confined to the counties near London, but spread nearly throughout the whole of England, and everywhere the leaders avowed similar objects. The power of the insurgents, however, fell with the dispersion of their main body at Smithfield; and although there was at first some talk of abolishing villeinage, with a view to the prevention of similar outbreaks in future, the great lords and the master class, when the danger was over, evinced little disposition to adopt a more liberal policy, either by emancipating their serfs, or relinquishing any of their old prescriptive rights. On the assembling of Parliament an Act was passed (5 Richard II.) granting pardon to all who had exceeded the limit of law in repressing the late "insurrection of villeins and other offenders," and ordaining that "all manumissions, obligations, releases, and other bonds, made by compulsion, duress, and menace in the time of the late rumour and riot, shall be wholly annulled and holden for void"; and any person who should in future make or begin any such riot and rumour is declared to be a traitor to the king and to the realm. Thus ended this brief struggle for liberty on the part of the people. But although apparently fruitless at the time, it served to show the power of the masses when roused into action by any strong impulse, however sudden and unpremeditated. It also taught the superior orders that there were limits to their authority, and that forbearance and conciliation were necessary even for their own security—an important lesson, fraught with great benefit to the servile classes, and tending to their gradual but certain amelioration.

The imposition of the poll-tax, which led to Wat Tyler's rebellion, afforded means for estimating the amount of the population. There were doubtless many

1381.
5 Richard
II.

1381.
Amount of
population.

omissions, but it appears that 1,367,239 persons paid the tax, exclusive of Wales, Chester, and Durham; and Mr. Chalmers concludes that the population of England and Wales at that time was about 2,350,000. Mr. M'Culloch concurs in this conclusion, which he thinks "is not very wide of the mark"; but he further observes, that "the data are obviously too loose and unsatisfactory to enable any one to pronounce with any certainty with respect to it."¹

Two years after these events, by 7 Richard II. cap. 5, the Statute of Winchester (13 Edward I.)² was again confirmed, as was also the 5 Edward III. cap. 14.² And at the same time it was ordained "that the justices and the sheriffs in every county shall have power to inquire of all vagabonds and feitors, and upon them to do that the law demandeth; and that bailiffs, constables, and other governors of towns and places where such feitors and vagabonds shall come, shall be empowered to examine them diligently, and compel them to find surety for their good bearing; and if they cannot find such surety, they shall be sent to the next gaol, there to remain till the coming of the justices for deliverance of gaols, who shall do upon such feitors and vagabonds that which to them best shall seem by the law." This enactment is exceedingly vague, and seems to have aimed at finding a remedy for an evil of great magnitude, by conferring an almost unlimited power on the judges, in whose discretion the law itself as well as its application was thus vested; but, like all which preceded it, this enactment failed as a remedy for the evils complained of, and vagabonds, "feitors," and mendicants continued to infest the country as before.

We are now arrived at 12 Richard II., the statute which has been usually considered the origin of our English Poor Law. But in the present work all

1383.
7 Richard
II. cap. 5.

1388.
12 Richard
II.

¹ M'Culloch's *Statistical Account of the British Empire*, vol. i. p. 396.

² *Ante*, 22 and 33.

enactments affecting the industrious classes, or bearing materially upon the condition of the people, are regarded as partaking more or less of the nature of a Poor Law, every such enactment being intended to prevent the occurrence and spread of poverty, or to apply a remedy wherever it so existed as to be a nuisance or source of danger to the community. The 12 Richard II. is, however, a very important statute. It begins by confirming the two statutes of 23 & 25 Edward III.¹ respecting artificers and servants, and then ordains "That no servant or labourer, be he man or woman, shall depart at the end of his term out of the hundred, rape, or wapentake where he is dwelling, to serve or dwell elsewhere, or by colour to go in pilgrimage, unless he bring a letter-patent containing the cause of his going, under the king's seal, which for this intent shall be assigned to the keeping of some good man at the discretion of the justice of the peace. And if any servant or labourer be found in any city or borough or elsewhere wandering without such letter, he shall be taken and put in the stocks, and kept until he hath found surety to return to his service, or to serve and labour in the town from whence he came." And it is further ordained that none receive such servant or labourer without such letter testimonial, upon a pain to be limited by the justices; and likewise that servants, artificers, and apprentices "shall be compelled to serve in harvest, to cut, gather, and bring in the corn."

Complaint is then made that "servants and labourers will not serve and labour without outrageous and excessive hire, and much more than hath been given in any time past, so that for scarcity of the said servants and labourers the husbands and land-tenants may not pay their rents, nor scarcely live upon their lands, to the great damage and loss as well of the lords as all the commons; and also because the

¹ *Ante*, pp. 36 and 39.

hires of the said servants and labourers have not been put in certainty before this time,"—wherefore it is ordained that the following shall be the wages of servants in husbandry :—

| | s. | d. | |
|---|----|----|-----------------|
| A bailiff, by the year, with one suit of clothes | 13 | 4 | Rates of wages. |
| A master hine, carter, and shepherd, each | 10 | 0 | |
| The oxherd and the cowherd, each | 6 | 8 | |
| The swineherd, deyrie woman, and a woman labourer, each | 6 | 0 | |
| A driver of the plough, at the most | 7 | 0 | |

"and every other labourer and servant according to his degree, and less in the county where less was wont to be given, without clothing, courtesie, or other reward by covenant." And if any give or take more than is above specified, for the first offence, the giver and the taker are each to pay the value of the excess so given or taken, and for the second offence double the amount, and for the third offence treble the amount; and in default of such payment, to "have forty days' imprisonment."

It would seem from these enactments that there was a deficiency of agricultural labourers at this time, which is further indicated by a subsequent provision in the Act, directing "that he or she which use to labour at the plough and cart, or other labour or service of husbandry, till they be of the age of twelve years, shall abide at that labour without being put to any mystery or handicraft; and if any covenant or bond of apprentice be from henceforth made to the contrary, the same shall be holden for none." The people were now therefore apparently being drawn from the rural districts into towns, by the higher wages and greater comfort to be obtained there. The same is shown to have been the case in 1360, by the passing of the 34 Edward III., and the apprenticing of youths and children to trades and other urban occupations would be another drain upon the country population; whilst the great boon of freedom from servitude, which

Agricultural
labourers.

villeins and serfs acquired by residing a year and a day in a town, could not fail of making them eager to remove thither, whenever they could escape from their rural masters.

The towns would naturally increase in wealth as arts and civilisation extended, and with this extension there would be an increased demand for labour. Various manufactures—the establishment of which Edward the Third wisely promoted—had now, moreover, taken root, and were producing their usual fruits, diffusing intelligence, and liberalising and improving the habits of all who came within their influence. Of this diffusion of intelligence and improvement, the towns were the centres; and it was as natural that the rural population should be drawn to them, as that the lords of the soil should regard them with jealousy and dislike. Town communities have ever been the advocates of freedom, and the opponents of tyranny in any shape.

The town
population.

After thus prohibiting servants and labourers from wandering, whether in search of employment or for other cause, and fixing the rates of wages to be paid to them, the Act directs “That every person that goeth begging, and is able to serve or labour, it shall be done of him as of him that departeth out of the hundred or other place without letter testimonial, as afore is said.” And “that *beggars impotent to serve* shall abide in the cities and towns where they be dwelling at the time of the proclamation of this statute; and if the people of the cities and towns will not, or may not, suffice to find them, that then the said beggars shall draw them to other towns within the hundred, rape, or wapentake, or to the towns where they were born, within forty days after the proclamation made, and there shall continually abide during their lives.”

The impo-
tent poor.

This is the first enactment in which the impotent poor are directly named as a separate class, which is

the chief reason that it has been referred to as the origin of our Poor Laws. But although "beggars impotent to serve" are directed to remain for the rest of their lives in the places where they were born, or were then resident, no provision is made for their sustenance in such places—no relief is there provided for them; and they are left to chance or casual charity for support, the only object apparently being to prevent their wandering about the country. Some approach to the principle of settlement seems to have been in the minds of the framers of this statute, since the impotent poor are required to abide or remain in certain places; but as no obligation is imposed on those places to afford them support, it cannot be said that either settlement or compulsory relief was directly contemplated. Both the one and the other had their origin at a subsequent period; and the chief characteristic of the 12 Richard II. is its having openly recognised the distinction between "beggars able to labour," and "beggars impotent to serve."

The attempt made in this statute to restrain servants and labourers from quitting the hundred, rape, or wapentake where they were dwelling, and the attempt to regulate the amount of wages they were to receive, require no comment. Both the one and the other must have proved futile. The latter was immediately found to be so, for in the year following, by 13 Richard II. cap. 8, it was enacted, "Forasmuch as a man cannot put the price of corn and other victuals in certain," the justices in sessions at Easter and Michaelmas "shall make proclamation, according to the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and other labourers by the day, as well in harvest as in other times of the year, after their degree, shall take by the day, with meat and drink, or without meat and drink, between the two sessions before said." And it is further

1389-90.
13 Richard
II.

1392.
15 Richard
II. cap. 6.

ordered that “victuallers shall have reasonable gains, according to the discretion and limitation of the said justices, and no more, upon pain to be grievously punished.” It may also be inferred that the restrictions as to the residences of the impotent poor had been found inconvenient in some cases, as three years later, by 15 Richard II. cap. 6, it was enacted, that in every licence of the appropriation of any parish church (that is, the appropriation of its revenues to some cathedral, monastic, or other religious institution), it shall be expressly provided that “the diocesan shall ordain a convenient sum of money to be distributed yearly of the fruits and profits of the same to the poor parishioners, in aid of their living and sustenance for ever”; and this enactment was confirmed in the following reign.

1389-90.
13 Richard
II. cap. 13.

The 13 Richard II. cap. 13, is an act of some importance in connection with our subject, it being the first of that series of enactments for the preservation of game which have had a certain influence on our rural population, and been not altogether without it on those in the towns. The Act recites—“Forasmuch as divers artificers, labourers, servants, and grooms keep greyhounds and other dogs, and on the holydays, when good Christian people be at church hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same; and sometimes under such colour they make their assemblies, conferences, and conspiracies, for to rise and disobey their allegiance.” It is then ordained and assented—“That no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of 40s. by year, nor any priest nor other clerk, if he be not advanced to the value of £10 by the year, shall have or keep from henceforth any greyhound, hound, or other dog to hunt; nor shall they use fyrets, heys, nets, harepipes, nor cords, nor

Artificers
and
labourers
prohibited
from killing
game.

other engines, for to take or destroy deer, hares, nor conies, nor other gentlemen's game, upon pain of one year's imprisonment; and that the justices of peace have power to inquire, and shall inquire, of the offenders in this behalf, and punish them by the pain aforesaid." We here see a privileged class and a property qualification established, and penalties imposed on persons taking game if not so qualified, who are likewise prohibited from keeping dogs, ferrets, nets, or engines of any kind by which "gentlemen's game" may be taken or destroyed. This constitutes the groundwork of our game-laws, which, with various modifications, have continued to the present day.

CHAPTER II

A.D. 1399–1509

Laws of Henry IV.—Progress of improvement—Wealth and intelligence of towns—Enactments relating to the Welsh—Apprenticing in towns—Increase of vagrancy—Transition from vassalage to independence—Necessity of relief for poverty—Laws of Henry V.—Population—Abuse of charities—Wars with France—Laws of Henry VI.—Regulation of wages—Threatening letters—Restrictions on foreign merchants—Scale of wages—Price of wheat—Cade's insurrection—Laws of Edward IV.—Sumptuary laws—Remarks by Adam Smith and Blackstone—Commercial prohibitions—State of agriculture—Laws of Richard III.—Restrictions on Italian merchants—Wars of York and Lancaster—Decline of feudalism—Laws of Henry VII.—General improvement—Alarm at increase of pasturage—Vagabonds and beggars—Modification of apprenticeship laws—Scale of Wages—Maritime adventure—Vagrancy—Death and character of Henry VII.—Population.

IN September 1399, Richard the Second was deposed, on the ground of his being weak, violent, and incapable of governing; and his cousin, the Duke of Lancaster, succeeded him under the name of Henry the Fourth.

Henry IV.
1399–1413.

1399.
1 Henry
IV. cap. 17.

However doubtful may have been the right of Henry to the Crown, he began his reign judiciously, by providing for the protection of traders, whether foreign or native. 1 Henry IV. cap. 17, recites and confirms the statute passed in the sixth year of his predecessor, by which it was ordained, "that every foreigner and alien, being of the king's amity, and coming to the city of London, and other cities, boroughs, and towns within the realm, as well within the liberties as without, with fish and all manner of other victuals, there tarrying and returning, shall be from henceforth under the safeguard and special protection of the king." This is

not so full, nor given in so free a spirit, as in 9 & 25 Edward III.¹ There is a hearty and comprehensive earnestness in the wording of these statutes, which must have told well with merchants, both foreign and native, and given them confidence in their dealings. Legal protection, and the opportunity of free interchange of commodities, are, in fact, all that traders require—everything else depends upon the wants of the parties with whom they deal, upon abundance in one place and deficiency in another—in short, upon supply and demand. This important truth appears to have been well understood by Edward the Third. He encouraged trade by protecting traders. He naturalised our woollen manufacture by encouraging Flemish weavers to settle here, and protecting them in their operations. And thus he laid a foundation for improvement on the sure ground of the profitable employment of capital, by which labour would be developed the condition of the people be ameliorated, and through which their freedom from vassalage and their social elevation would eventually be achieved.

During the preceding half-century, comprising twenty years of the reign of Richard the Second, and the last thirty years of Edward the Third, great improvement had taken place in the condition of the people and of the country generally. In the early part of Edward's reign, pestilence and war had thinned the population and retarded improvement; but the firm and vigorous government that he after a time succeeded in establishing, and the encouragement and protection he so wisely extended to trade, could not fail of operating beneficially, and the effects continued throughout the feeble reign of his successor, notwithstanding the disorders by which it was disgraced, and the violence by which it was terminated. The seeds of amelioration thus sown struck deep into the soil, and the mild

Progress of
improve-
ment.

¹ *Ante*, pp. 34 and 39.

influence of commerce prepared the way for and hastened their growth and development.

Superior
wealth and
intelligence
of the
towns.

The comparative freedom and many comforts enjoyed by persons residing in a town, would naturally excite a desire for similar enjoyments in the rural population, who were then in a state of servile dependence, and possessed scarcely any of the comforts and few of the conveniences of life. If a villein succeeded in acquiring a little property he was driven to conceal it, as, if discovered, it would belong to his master; and in order to preserve it, he would probably take the first opportunity of escaping to a town, where, if he could conceal himself from the pursuit of his lord for a year and a day, he would be thereafter free. Whatever stock was accumulated by the most industrious and intelligent of the peasantry, was naturally therefore transferred to the towns, where alone it could be securely enjoyed; and hence the increase, and in most cases the superior wealth and intelligence, of the urban population.

At the accession of Henry the Fourth, emancipation from villeinage had doubtless made considerable progress, compared with what existed at the Conquest, or a century afterwards. The rebels in Wat Tyler's insurrection were many of them, if not mostly, villeins, and their demands show them not to have been ignorant of their natural rights and the great essentials of liberty. Although their requests, granted at first, were afterwards revoked, and although many of them were punished, it may still be presumed that the spirit then manifested, and the success they for a time achieved, would not be without effect upon their masters, nor fail to stimulate a continual longing after freedom in those of their class. With such a desire actuating the great mass of the people, the transition from a state of servitude to one of free labour could hardly fail of being rapid, despite the diffi-

culties by which every such change is necessarily beset.

The first two or three years of Henry's reign were distracted by civil commotions, the natural attendants on his irregular accession to the throne. The Percies in the north rebelled against him, and the Welsh under Owen Glendower endeavoured to throw off the dominion of England. The ancient feud between Celt and Saxon broke forth with renewed inveteracy, plunging all the border counties into a state of turmoil and insecurity. Although these circumstances may not have materially retarded the great change from servitude to freedom then in progress, they must necessarily have impeded improvement in other respects. The excesses committed by the Welsh, judging from the legislation to which they gave rise, appear to have been very great, and must have tended to throw the two races still further apart, instead of promoting their amalgamation, which would have been highly advantageous to both.

Rebellion
under the
Percies and
Owen Glen-
dower.

In 2 Henry IV. cap. 16, complaint is made "that the people of Wales, sometimes by day and sometimes by night, cometh within the counties joining upon the marches of Wales, and doth take divers distresses of horses, oxen, kine, sheep, swine, and other goods, and the same doth carry away. And also doth daily arrest the people of the said counties coming with their merchandises or other their goods and chattels, to the great impoverishing of the people of the said counties." For prevention of which evils, the lords marches are directed to keep sufficient ward; and it is, moreover, ordained that no Welshman shall be permitted to purchase lands in England, and that no "whole Englishman" shall be convicted at the suit of any Welshman, except by an English judge or jury. It appears that hostile feelings towards the Welsh continued to increase; as two years afterwards by 4 Henry IV. cap. 29, it was ordained that no Welshman

1400-1.
2 Henry
IV.

1402.
4 Henry
IV. cap. 29.

should be permitted to carry arms ; that neither vic-tuals nor armour were to be taken into Wales ; that Welshmen were not to have castles, and that all castles and walled towns in Wales were to be kept by English-men ; and lastly, that “ an Englishman who married himself to a Welshwoman shall not be put in any office in Wales or in the marches of the same.”

It was not until the seventh year of Henry's reign that he seems to have had leisure to attend to the domestic condition of his people. The statutes of 25 Edward III. and 12 Richard II.,¹ “ touching labourers, artificers, and other servants of husbandry,” were then confirmed by 7 Henry IV. cap. 17, which goes on further to recite, with respect to the apprenticing of children, that, “ notwithstanding the good statutes aforemade, infants, whose fathers and mothers have no land, nor rent, nor other living, but only their service or mystery, be put to serve and bound apprentices to divers crafts within cities and boroughs, sometime at the age of twelve years, sometime within the said age, and that for the pride of clothing and other evil customs that servants do use in the same ; so that there is so great scarcity of labourers and other servants of husbandry, that the gentlemen and other people of the realm be greatly impoverished for the cause afore-said,”—for remedy whereof it is ordained, “ That no man or woman, of what estate or condition they be, shall put their son or daughter of whatsoever age to serve as apprentice to no craft nor other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least, upon pain of one year's imprisonment, and fine and ransom at the king's will ; and if any covenant be made to the contrary, it shall be holden for none.” If any person received an apprentice contrary to this ordinance, he was to forfeit a hundred shillings.

1405-6.
7 Henry
IV. cap. 17.

¹ *Ante*, pp. 39 and 55.

The object of this enactment is explained in the preamble. There was a scarcity of servants and other labourers in husbandry, and this scarcity would be increased by apprenticing children to handicrafts and other occupations in towns, which it appears was still practised in contravention of the Act of Richard the Second. Such apprenticing was, therefore, felt to be a grievance by "the gentlemen and other people of the realm"—meaning of course the landowners and master class, who would by this means lose the control over some of their villeins, vassals, or servants, since every child so apprenticed would become free, in like manner as every adult person who resided in a town for the space of a year became free. We cannot wonder therefore at the jealousy and dislike of towns, and of this practice of apprenticing children therein, felt by the aristocracy and the lords of the soil, nor at their attempting to prevent the consequences to which they saw it would give rise.

This statute of Henry the Fourth further directs, that "once in the year all the labourers and artificers dwelling in the same leet, shall be sworn to serve and take for their service after the form of the said statutes (25 Edward III. and 12 Richard II.); and if they refuse that to do, they shall be put in the stocks within the town where they be taken, for three days, without bail or mainprise, till they will make gree, and from thence they shall be sent to the gaol." This was the last Act of Henry the Fourth's reign having reference to our present subject; and it will be seen that little more was done by him than to confirm the Acts of his two immediate predecessors, under whom the change from a state of bondage to one of freedom was continually advancing. This change, most important in itself, carried with it a variety of consequences, which probably were not contemplated at the time, nor

felt till long afterwards. One of these consequences requires to be noticed, it being immediately connected with the subject in hand.

So long as the great body of the people were held in bondage, without individual rights or responsibilities—so long as they were the property of the owners of the soil, of which it may be almost said they formed a part—they could not be considered poor in the legal sense of the term. They were the absolute property of their masters, who must provide for their wants, as the condition on which they commanded their services. They were not, in strictness, subjects of the state, but bondmen, servants, slaves of the territorial lords, who were responsible for their conduct, and to whom they looked for protection and support. No sooner, however, did this state of absolute dependence on their masters cease, and the people begin to assert the right of free action, and to undertake their own natural responsibilities, than poverty or want more or less intense must have occurred among them—want, for which there was no legally appointed means of relief—poverty, from the pressure of which there was no immediate refuge. A man freed from vassalage, and thus pressed by his necessities, with nothing more than his own efforts to rely upon, would often and almost unavoidably become a wanderer, in search of employment as a means of subsistence if of industrious and honest habits, in search of subsistence by other courses if idle or dishonestly disposed. As the number of persons thus freed from bondage increased, the number of such wanderers would increase likewise; and with this increase of number there would be a greater tendency to evil courses, as well as a greater power of working mischief, and thus their existence would become a source of danger to the rest of the community—for what can be more dangerous than a

Emancipation from vassalage leads to an increase of vagrancy.

body of men linked together by a common want, and sufficiently numerous to set the law at nought, and enforce their demands however disorderly or extravagant?

Such was the state of things which had been gradually growing up, and against which legislation was directed, but apparently with little success, from the time of Edward the First downwards. By 12 Richard II.¹ an attempt was made to separate the impotent poor from the great mass of itinerant poverty, and to compel them to relinquish their vagrant habits and become stationary. But as no provision was made for their support within the limits to which they were thus restricted, they would, as a matter of course, if not of necessity, continue to resort to the places where they could most readily obtain the means of satisfying their wants; and, against the cravings of actual want, legal restrictions present but a feeble barrier.

The chief difficulty, however, was not with respect to the impotent poor, whose infirmities rendered them comparatively powerless for mischief—it was the unemployed able-bodied wanderers, professedly seeking employment, who constituted the greatest difficulty. A portion of these wanderers may be presumed to have been desirous of living by honest labour; but many, and probably the largest number, were of a different class, idle or vicious, beggars rather than workers, and not unfrequently the perpetrators of crimes which their numbers enabled them to commit with impunity. This was an evil perhaps unavoidably resulting from the breaking up of vassalage and serfdom. The slave could not be immediately changed into a free labourer. There must of necessity be a period of transition, and a long struggle between the two antagonistic systems; and whilst this struggle

Transition
period.

Transition
from vassalage to
independence.

continued, the condition of the free labourer would be precarious, and subject to occasional privation. The existence of serfdom would, so long as it lasted in any shape, interpose an embarrassing element between the employer and the labourer, and would tend to depress the wages of the latter as well as render employment on any terms uncertain; and it would not be until this period had passed, and the struggle between the two systems entirely subsided, that the labourer would be really free for the unrestricted exercise of his vocation, or have a fair opportunity of living by his own honest exertions. Such transition must therefore, from its very nature, be always painful and beset with difficulty to the labouring class, however favourable the circumstances under which it may effected.

With freedom, relief
of poverty becomes
necessary.

When the transition from a state of vassalage had been passed, and an equality of civil rights been established, the labourer, then free, would be liable to be occasionally exposed to distress and suffering, through sickness, want of employment, or other casualty of life; and a man thus circumstanced must be deemed *poor*, in contradistinction to the villein or serf, who could not be so considered, because his master was at all times bound to provide for him. It is therefore only when *free* that men can be so reduced as to be *poor*, in the strict sense of the term—that is, reduced to a state of actual want and destitution, for the relief of which they are not entitled to claim assistance in any quarter; and for such persons a special provision of some kind seems to be required, in order to prevent their necessities attaining such a head as to drive them to the commission of crime, and compel them to prey upon the community.

Henry V.
1413-1422.

Henry the Fifth succeeded to the throne on the death of his father in 1413, and shortly after his

accession he entered upon that series of wars for establishing his claim to the throne of France, which continued throughout his reign and was left as a legacy to his infant successor, draining England of its people and its wealth, and inflicting much mischief on both countries. Destructive as these wars were, and mischievous in every sense, they established one fact of no little importance as regards the condition of the people, namely, that the feudal system had at that time become so much weakened as no longer to serve for the defence of the kingdom. When Henry, in 1415, proceeded to France, instead of relying as aforetime upon the feudal retainers of the Crown, and the nobility and great territorial lords, he was compelled to issue a commission of array, empowering certain persons therein named to review all freemen able to bear arms in the several counties, and to array and keep them in readiness to repel an enemy. At this time the population of England and Wales did not fall much short of three millions. We have seen it estimated at 2,350,000 in 1377,¹ whilst another authority, apparently on sufficient grounds, makes it amount to 2,700,000 at the beginning of the fifteenth century,² and there is no reason to suppose that it did not go on increasing down to the commencement of the waste and devastation of the French wars in the present reign.

By 2 Henry V. cap. 4, the statutes 12 Richard II., “and all other good statutes of labourers made and not repealed,” are ordained to be firmly holden and kept and put in due execution, and proclamation thereof by the sheriffs in full county was directed to be made. The justices of peace were likewise empowered “to examine all manner of labourers, servants, and their masters, as well as

1415.
Amount of
population.

1414.
2 Henry V.
cap. 4.

¹ *Ante*, p. 55.

² *Pictorial History of England*, book v. chap. vii. p. 269.

artificers, by their oaths, of all things done contrary to the said ordinances and statutes, and to punish them upon their confession, as though they were convict by inquest." So large and irresponsible a power conferred upon the justices could hardly, from its very nature, fail of leading to much hardship and to oppression of the labouring classes.

It appears by the first clause of this statute, that great abuses then existed in the administration of certain hospitals, which had been founded "to the honour of God and of His glorious mother, in aid and merit of the souls of the founders," for the reception of "impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same"; which hospitals, it is said, "be now for the most part decayed, and the goods and profits of the same by divers persons, as well spiritual as temporal, withdrawn and spent in other uses, whereby many men and women have died in great misery for default of aid, living and succour, to the displeasure of God and peril of the souls of such spenders." Inquisition is accordingly ordered into these abuses, which are not very dissimilar to what we sometimes hear complained of at the present day with respect to charitable institutions. It appears, however, that there was much need of some such established aid for the poor at that time, since "many men and women had died in great misery for default of it"; and this fact, coupled with the others before noticed, warrants the conclusion that villeinage had now become nearly extinct, and that it formed the exception rather than the rule.

Abuse of
charitable
institu-
tions.

1416.
4 Henry
V. cap. 4.

The 4 Henry V. cap. 4, repeals the penalty to which a person was subjected who paid higher wages than is prescribed by 12 Richard II., on the ground that "the givers of such wages will in no wise present such

excesses to eschew their own punishments, to the great loss of the king, and grievous damage of the lords and other people, because of the non-punishment of the defaults of servants and labourers"; and it is then ordained that "the pain contained in the said statute shall run only upon the taker." These enactments must all be regarded as efforts on the part of the superior orders, to depress and keep down the working classes below the level which they were struggling to attain. Serfage and villeinage had passed or were fast passing away. The demand for labour had increased, and the labourers were endeavouring to obtain proportionally higher wages; but the legislature, consisting entirely of the employers of labour, interposed to prevent the rise thus warranted, and strove to keep the rate of wages below its natural limit. This it might perhaps be possible to accomplish partially, and for a time, but the waters would soon rise and sweep away the puny mounds which a short-sighted legislation attempted to build up, and the governing principle of supply and demand would assert its supremacy in this as in other like matters.

The 9 Henry V. cap. 5, passed in the last year of his reign, recites "that whereas, at the passing of 14 Edward III. (1340), there were divers valiant and sufficient persons in every county of England to occupy and govern the same, and forasmuch that, as well by divers pestilences within the realm of England, as by the wars without the realm, there is not now such sufficiency," it is therefore ordained, that "the king may make the sheriffs and escheators through the realm, at his will, until the end of four years." This shows how destructive Henry's wars had been, and how dearly the country had paid for the empty renown he had acquired. It appears that, after these sacrifices to the Moloch of military glory, there were not a sufficient number of the gentry left in England

1421.
9 Henry
V. cap. 5.

to conduct the ordinary business of the country. The above enactment applies to the nobility and gentry only; but we are informed that both France and England had become so exhausted of the means by and with which armies are raised and maintained, that, before the end of the war, scarcely the appearance of an army could be brought into the field on either side,—a proof of the deficiency in the two chief elements of power, wealth and population, contrasting most unfavourably with the state of the country at this king's accession, and from which it had retrograded through his reckless ambition. Yet Henry was popular, and the people, who were the sufferers, hailed his victories with acclamation.

Henry the Fifth unquestionably possessed qualities of a high order, and recent investigations have cleared his early life of the vices and follies by which it was believed to have been disgraced, but which in Shakespeare's magical page almost assume the character of virtues.¹ If Henry had applied his great talents to the improvement of his people and the encouragement of industry at home, instead of wasting the wealth and energies of the nation in foreign wars for objects of vainglory and personal aggrandisement, he would have proved a great benefactor to his country, and merited the blessings of mankind. To the wars with France, commenced by him, made popular by his successes, and continued throughout the greater part of the reign of his son, may be traced that feeling of hostility between the two nations which has unhappily continued almost down to the present day, and has led to so much misery and bloodshed.

Henry VI.
1422-1461.

On the death of Henry the Fifth, in 1422, at the early age of thirty-four, his son, Henry the Sixth, succeeded to the crown. He was then an infant, less

¹ See Tyler's *Memoirs of Henry the Fifth*, a work evincing great industry and research, although perhaps somewhat lengthy and diffuse.

than a twelvemonth old, and his uncles were appointed his guardians, with a council nominated by Parliament to assist them in carrying on the government. The war with France was then in full activity, and its natural consequence, the drain of capital, was "grievously complained of" in Parliament. It was therefore ordained by 2 Henry VI. cap. 6, "that no gold or silver shall be carried out of the realm, unless it be for payment of the wars and soldiers of the king beyond the sea, upon pain of forfeiture of the value of the money so carried out, to be levied of him that shall bring, carry, or send it out of the realm; and he which espieth it, and thereof giveth knowledge to the council, shall have the fourth part of the forfeiture." By the same Act the late statute, 4 Henry V., which exempted from penalty masters who gave more than the prescribed rate of wages, was repealed, and the former penalties against the giver of such wages were again established.

The 6 Henry VI. cap. 3, recites the statutes 12 & 13 Richard II.,¹ and then affirms that these statutes are not put into execution,—“that is to say, the first statute, because that the punishment in the same is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants if they should not pass” (that is, pay more than is prescribed by) “the ordinance of the statute; and the second statute, because that no pain is limited against him that doeth contrary thereto.” It is therefore ordained that justices of the peace and the mayors and bailiffs of cities and towns shall, once in the year in full session, make proclamation how much every servant of husbandry shall take for his service by the year then next following; and further, that they shall make like proclamation at Easter and Michaelmas, “how much every artificer and workman shall take by the day, and

¹ *Ante*, pp. 55 and 59.

by the week, with meat and drink, or without meat and drink, as well in August as in other times of the year. And if any servant, artificer, or workman do the contrary of such proclamation, and be thereof attainted, he shall forfeit every time the value of his wages; and if he have not whereof to make gree to the king, he shall have imprisonment of forty days, without bail or mainprise." And the justices of peace, mayors, and bailiffs are empowered to hear and determine such offences, "as well as the king's suit by suggestion and surmise, as the suit of the party in such case grieved." And the justices, mayors, and bailiffs are further empowered "to examine at their discretion, as well such servants, artificers, and workmen, as their masters, and if they find the contrary to be done of such proclamation so made, the said servants, artificers, workmen, and labourers shall be punished in the form aforesaid, and shall yield to the party grieved his double damages." The employer or master is thus again exempted from penalty, and is even enabled to proceed against his servant for an act which was contrary to law, and in which they had each concurred—surely a most partial and one-sided legislation!

1429.
8 Henry
VI.

Two years later, it is recorded in the preamble to 8 Henry VI. cap. 6, "that divers great mischiefs and subtle felonies and robberies now late have been done in the town of Cambridge, and in the counties of Kent and Essex, and in other places, by people offenders unknown," by means of bills (or letters) directed to divers people, commanding them to put divers great sums of money in certain places where the said offenders might easily carry the same away; "certifying in the said bills that, if they put not the same money in the places assigned at a certain day, the offenders would do the greatest and most outrageous vengeance; and because such sums have not been so put, according to the purport of the same bills, many

Threaten-
ing letters.

houses and goods and chattels of divers persons at Cambridge, and elsewhere, have been feloniously burnt and utterly destroyed.”—It is then ordained that all such burnings of houses shall be adjudged high treason. The “subtle felonies” here complained of appear in their nature identical with the “threatening letters” of a later period, although modern offenders might possibly not carry their “outrageous vengeance” quite so far, on disregard of their notice, as it appears those of old time were in the habit of doing. But in either case the crime is doubtless very heinous, betokening an immoral and disorganised state of society, and on every account meriting the severest punishment.

By the same statute, the restrictions imposed by 7 Henry IV. cap. 17,¹ by which persons not having land or rent of the value of twenty shillings a year are prohibited from apprenticing their children in cities or towns, is repealed as respects London, on account of the great hindrance which the said statute might occasion to the inhabitants of the said city; “and also respecting the entire affections and great kindness done and showed to our Lord the King in all his affairs by the citizens of London, and to encourage them the more to such affections and kindness hereafter.” This special exception in favour of London may be regarded as an indication that its trade was increasing, and required an increased number of operatives. It seems, moreover, to indicate that the citizens were taking part in the business of legislation, and that they had become of considerable importance in the state.

As bearing upon the social condition of the people at this time, and therefore connected with our subject, it may not be out of place to notice 18 Henry VI. cap. 4, which records—“that great damage and losses daily come to the king and to his people by the buying and selling that the merchants, aliens, and strangers

1439.
18 Henry
VI. cap. 4.

¹ *Ante*, p. 66.

do make, without notice, governance, and surveying of any of the king's liege people, as by such buying and selling which they do use together, every of them with other, they do impair and abate the price and value of merchandises of this noble realm, and do increase and enhance the price of all their own merchandises, whereby the said merchants aliens be greatly enriched, and the king's subjects grievously impoverished, *and great treasure by the same aliens carried out of this realm.*"

Restric-
tions on
foreign
merchants.

For remedy of these asserted evils, it is ordained, that aliens should no longer be permitted to sell to aliens, and that all alien merchants and strangers should thenceforth be under the surveying of hosts to be assigned to them in every city, town, or port whither they come, and that these hosts were to be privy to all their sales and contracts, and that the proceeds of what they sold were to be invested in English merchandises "growing and made within the realm"; and that the hosts were to register in a book "all the buyings, sales, contracts, and employments" of the said alien merchants, and send a transcript thereof to the king's exchequer twice in the year; "and the said host shall take for his labour in that case of every merchant stranger, twopence for every twenty shillings in value of all manner of merchandises so by the said merchants aliens sold and bought."

These enactments exhibit a sad falling off from the liberal policy of Edward the Third, who encouraged the resort of foreign merchants, protected them in their dealings, and permitted the freest interchange of commodities, without regard to origin or nature. Perhaps the last reason assigned for these restrictive regulations was the chief one, namely, that "great treasure" was carried out of the realm; and of course this was assumed to be done, as it probably was chiefly done, by the agency of these "merchants aliens," who found the exportation of such treasure more profitable than

to export English commodities, in return for the articles which they had imported. But the cause of this efflux of treasure, that is, deficiency or defectiveness of home production, was overlooked by the legislators of that day, as it has been by those of a subsequent period. Instead of labouring to increase and improve native produce, restrictions were resorted to, which could not fail to operate injuriously upon the trade and commerce of the country, and thereby add to the evil they sought to cure; whilst they would at the same time curtail employment, and reduce the earnings and lessen the comforts of the great body of the people.

By 23 Henry VI. cap. 12, a new scale of wages is established, and servants in husbandry are required to give their masters warning, and to engage with some other master before quitting their present service, failing in which, they are to continue to serve their first master for the next year. It is also directed that the yearly salaries and wages of servants, labourers, and artificers, shall not exceed the following rates:—

| | | | | |
|---|----------|------------------------------------|------|--------------------------|
| Bailiff of husbandry | 23s. 4d. | {and clothing of the value of } | 5s. | {with meat and drink. |
| Chief hind, carter, and chief shepherd | 20s. 0d. | " | 4s. | " |
| Common servant of husbandry | 15s. 0d. | " | 11d. | " |
| Woman servant | 10s. 0d. | " | 4s. | " |
| Infant within the age of fourteen | 6s. 0d. | " | 3s. | " |

The wages, by the day, of artificers and common labourers, between Easter and Michaelmas, were not to exceed—

| | | |
|--|---------------------------|---------------------------------|
| A free mason or master carpenter | 4d. with meat and drink ; | 5d. {without meat and drink. |
| A master tiler or slater, and rough mason, and common carpenter, and other artificers concerned in build- ing | 3d. | 4d. |
| Every other labourer | 2d. | 3d. |

1444.
23 Henry
VI. cap. 12.

Scale of
wages.

In the winter months, between Michaelmas and Easter, the wages are to be in each case 1d. per day less.

The above rates are not, however, to extend to labourers in the time of harvest, at which season the wages by the day are fixed as follows:—

| | | |
|-----------------------------------|---------------------------|-----------------------------|
| A mower | 4d. with meat and drink ; | 6d. without meat and drink. |
| A reaper and a carter . | 3d. " " | 5d. " |
| Women and other labourers . . . } | 2d. " " | 4d. " |

But in every case it is directed "that such as deserve less shall take less ; and in places where less is used to be given, less shall be given from henceforth." If any persons refuse to serve and labour according to these premises, justices of the peace are empowered to call them to examination of the same, and to commit them to gaol, "there to remain till they have found surety to serve and labour in form by law required": and justices are also empowered "to take all servants retained with any person under colour of husbandry, and not duly occupied about the same, and compel them to serve in the occupation of husbandry to such as shall require their service." This and all the other statutes of labourers are to be proclaimed throughout the realm twice every year.

Comparison of the rate of wages in 1388 and 1444.

If the above rates are compared with those prescribed in 1388 by 12 Richard II.,¹ it will be seen that a great increase has taken place in the wages of all annual servants. At the former period a bailiff was directed to be paid 13s. 4d. per annum, without clothing ; a bailiff is now to be paid 23s. 4d. per annum, together with clothing to the value of 5s., making together 28s. 4d. So with the chief hind, shepherd, and carter : they were each paid 10s. per annum in 1388 ; they are now to be paid 24s., including 4s. clothing. Common servants in husbandry were then

¹ *Ante*, p. 55.

paid 7s.; they are now to be paid 15s., together with 11d. clothing. A woman servant was then paid 6s.; she is now paid 10s., and clothing of the value of 4s., making together 14s. It appears, therefore, that in little more than half a century the yearly wages of the above class of persons had more than doubled in amount.

The 25 Edward III.,¹ passed in 1350, affords the means of comparing the daily wages of certain artificers and harvest-labourers at that period, with the rates established nearly a century afterwards by the present Act. From Easter to Michaelmas, the wages per day, without meat or drink, were as follows—

Comparison of the rate of wages in 1350 and 1444.

| | In 1350. | In 1444. |
|--|--------------|--------------|
| A master carpenter | 3d. per day. | 5d. per day. |
| A master or free mason | 4d. „ | 4d. „ |
| Other common labourers about buildings | 1d. „ | 3d. „ |
| A mower | 5d. „ | 6d. „ |
| A reaper | 3d. „ | 5d. „ |
| Women and other labourers | 1d. „ | 4d. „ |

With the exception of carpenters, reapers, women, and common labourers, there is no very great difference observable in these rates after the lapse of a century, although in the former comparison, extending to little more than half that period, the wages of annual servants were increased upwards of 100 per cent. The 25 Edward III. was confirmed in 1388 by 12 Richard II.; so that the yearly wages of the bailiff, hind, carter, etc., which prevailed in 1350, continued without material change in 1388; and the increase now observable must therefore have taken place subsequent to that time. May not this difference of increase in the yearly and daily rates of wages—the being more than doubled in the course of half a century, whilst the other remained comparatively stationary for twice that period—have been owing to the progressive emancipation of the people from servitude,

¹ *Ante*, p. 39.

and the growth of independent feelings and habits among them, and a not unnatural dislike to engage for a year, as partaking in some degree of their former state of bondage?

It cannot fail to be observed that in all these enactments for the regulation of wages, the great object of the legislature was to prevent a rise—to fix a maximum, not to assign a minimum—to place a limit on the ascending scale, leaving the descending scale without check or limitation. No servant or labourer was permitted to receive above a certain amount of wages, whatever the quantity or quality of his work, but he might be paid any less sum to which his employer could succeed in beating him down; for it is specially provided “that such as deserve less shall take less, and where less is used to be given less shall be given from henceforth.” It is clear therefore, that the interest of the master-class was alone considered in these enactments; and were it not that such regulations are, from their very nature, in a great measure nugatory and impracticable, they might have inflicted serious injury upon the working classes, for the continued depression of whom they were, through a short-sighted policy, obviously designed.

Price of
wheat,
1350-1444.

It may here be worth noticing, that in 1350 the bushel of wheat is, by 25 Edward III., declared to be worth 10d.,¹ or rather that the employer had the option of giving it to his labourer in lieu of 10d., if he so preferred; and Sir Frederic Eden, in the table of prices deduced by him from various sources, and printed in the Appendix to his *History of the Labouring Classes*, gives 10d. as the price of a bushel of wheat in that year. In 1444 he puts wheat at the same price, that is, 6s. 8d. the quarter, or 10d. the bushel, although there had been, as was to be expected, great fluctuations of price in the interim. It may, therefore, be

¹ *Ante*, p. 39.

assumed that the cost of provisions had very little, if anything, to do with the changes which took place in the rate of wages between 1350 and 1444. These changes must have originated in some other source, and were probably owing to increased demand for labour, the spread of freedom and intelligence, and improvement in the mode of living of the great mass of the people.

In 1450 we find John Cade, or "Jack Cade," the so-called "Captain of Kent," attainted as a traitor, and all his goods and chattels forfeited to the king by 27 Henry VI. cap. 1. The country was in a state of great disorder at this time, and the people were discontented and turbulent. Insurrections had broken out in several places, and Cade, who was an Irishman, and had served in the armies abroad, assumed the name of Mortimer, and put himself at the head of the movement in Kent. This outbreak was not much unlike that under Wat Tyler in 1381, and both the one and the other were mainly owing to the discontent of the lower orders, and the disorganised condition of the country, without which neither Tyler nor Cade could have gathered followers. Each advanced to the capital, and each maintained his position for a time, committing many acts of violence, and inspiring great terror. Each also sank as suddenly as he had risen; but these outbreaks nevertheless served to show the governing class the necessity of conciliating the people, who had given such proofs of their power and of their readiness to exert it. These occurrences, although causing much evil at the time, were not unproductive of some good, as they secured greater consideration for the wants and wishes of the inferior classes, and helped forward the great work of their emancipation, an object then happily not far from being accomplished.

1450.
27 Henry
VI. cap. 1.

1450.
Jack Cade.

Edward
IV.,
1461-1483.

In 1461 Henry VI. was deposed, and Edward IV., of the House of York, assumed the crown. Two years afterwards an elaborate statute was passed, containing, among a great variety of other provisions, regulations for the apparel to be worn by persons according to their several degrees; and it seems not a little extraordinary, that the legislature should at such a time have given its attention to such a subject, the nation being then hardly freed from the turmoil of rebellion, and the bloody conflict between the Houses of York and Lancaster, which ended in the deposition of one sovereign and the elevation of another. We must presume, however, that it was then deemed a matter of primary importance that the different orders of society should be thus openly distinguished; and it would doubtless exercise considerable influence on the habits and feelings of each, although it may be questioned whether it would prove beneficial to either in their social relations.

1463.
3 Edward
IV. cap. 5.
Ordinance
of clothing.

After referring to previous statutes having a like object,¹ the Act 3 Edward IV. cap. 5, declares that "the commons of the realm, as well men as women, have worn, and daily do wear, excessive and inordinate array, to the great displeasure of God," etc.; and it then ordains that no knight under the estate of a lord, nor the wife of such knight, shall wear cloth of gold, nor corses wrought with gold, nor any fur of sables. And that no bachelor knight, nor his wife, shall wear any cloth of velvet upon velvet; and that no person under the state of a lord shall wear any cloth of silk of the colour of purple. And that no esquire or gentleman under the degree of a knight, nor their wives, shall wear any velvet, satin, nor counterfeit cloth of silk resembling the same, nor any corses wrought like to velvet or satin, nor any fur of ermine. The Mayor of London and his wife are permitted to

¹ *Ante*, p. 43.

wear the same array as bachelor knights and their wives ; and the aldermen and recorder of London, and the mayors and sheriffs of other places, are, with their wives, permitted to wear the same array as gentlemen and esquires and their wives. No man possessing less than the yearly value of £40, nor his wife, son, or daughter, nor any widow of less possessions is permitted to wear any fur of matron's letuse (pure grey or pure miniver), nor any girdle garnished with gold or silver-gilt, nor any corse of silk made out of England, nor any kerchiefs whereof the price of a *plite*¹ shall exceed the sum of 3s. 4d. "And no man, not having possessions of the yearly value of 40s., shall wear any fustian, bustian, fustian of Naples, scarlet cloth in grain, nor no fur but black or white lamb."

It is further ordained by this statute, that no knight under the estate of a lord, nor esquire, gentleman, or other person, shall use or wear any gown, jacket, or coat, unless it be of a length to cover his buttocks, and tailors are prohibited from making any of shorter dimensions. The pikes of boots and shoes are restricted to two inches in length, with a like prohibition to shoemakers ; and because coverchiefs (kerchiefs) are daily brought into this realm, inducing great charge, cost, and waste in the same, it is ordained "that no person shall sell any lawn, niefles, umple, or any other manner of coverchiefs, whereof the *plite* shall exceed 10s." It was also ordained, that no servant in husbandry, or common labourer, or servant to any artificer dwelling out of a city or borough, nor their wives, should use or wear in their clothing any cloth whereof the broad yard exceeds the price of 2s., nor hosen whereof the price exceeds 14d. the pair, nor any girdle garnished with silver ; and

¹ A *plite* was a yard and a quarter in length, and each piece of Flemish lawn contained sixteen *plites* or *plights*.

their wives are limited to coverchiefs of a price not exceeding 12d.

1482.
22 Edward
IV. cap. 1.

Nineteen years after the above regulations were established, complaint was made "that, owing to the non-due execution of the same, the realm was fallen into great misery and poverty, and like to fall into greater, unless better remedy be provided"; and it is accordingly ordained, by 22 Edward IV. cap. 1, "That no manner of person, of whatsoever estate, degree, or condition, shall wear any cloth of gold or silk of purple colour, but only the king, the queen, the king's mother, the king's children, and his brothers and sisters; and that none under the estate of a duke shall wear any cloth of gold of tissue; and that none under the estate of a lord shall wear plain cloth of gold; and no man under the degree of a knight shall wear any velvet in their doublets or gowns; and that no yeoman, nor other man under the degree of an esquire or gentleman, shall wear in their doublets damask or satin, nor gowns of chamlet; and that no man under the estate of a lord shall wear any woollen cloth made out of the realm, nor wear any furs or sables." No further restrictions are, however, imposed on the wives and daughters of the foregoing persons. Servants in husbandry, and other servants and common labourers, are, as before, restricted to cloth of 2s. the broad yard; but their wives are permitted to wear a "reile, called a kerchief," of the value of 20d., instead of the previous limit of 12d., and the hosen permitted are raised from 14d. to 18d., from which we may infer that the market price of these articles had increased, or else that the condition of the people had so far improved during the few preceding years of comparative peace and order, that they were able to pay a higher price for a better article than at the commencement of Edward's reign.

Another
ordinance
of clothing.

These enactments with respect to clothing throw much light on the social condition of the people. Compared with the similar enactments in 1363 (37 Edward III.),¹ they show a considerable advance in the costliness of attire, and this is particularly observable in the clothing of the labouring class, who in the former period were restricted to wearing russet or blanket of 12d. a yard, but they are now permitted to wear cloth of 2s. a yard, and their wives are allowed to wear kerchiefs of the value of 20d., and girdles and other articles combining ornament with use. Of all such laws it is somewhat coarsely, but at the same time with much force, remarked by Adam Smith, that "it is the highest impertinence in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense, either by sumptuary laws or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will."²

This condemnation of sumptuary laws must, as a general rule, be admitted to be correct. But notwithstanding the deference due to so high an authority as Adam Smith, it may be questioned whether his sweeping denunciation has not, in this instance, been too strongly and unreservedly expressed. Blackstone appears to take an equally sound, but more judicious and temperate, view of the question. He says that "Laws made to regulate and constrain our conduct in matters of mere indifference, without any good end in view, are regulations destructive of liberty; but if public advantage can arise from observing such pre-

Adam
Smith and
Black-
stone.

¹ *Ante*, p. 43.

² *Wealth of Nations*, vol. ii. p. 27.

cepts, the control of our private inclinations in one or two particular points will conduce to preserve our general freedom in others of more importance, by supporting that state of society which alone can secure our independence. Thus the statute of Edward the Fourth, which forbade the fine gentlemen of those times, under the degree of a lord, to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression, because, however ridiculous the fashion might appear, the restraining of it by pecuniary penalties would serve no purpose of common utility. But the statute of Charles the Second,¹ which prescribes a thing seemingly as indifferent (a dress for the dead, who are ordered to be buried in woollen), is a law consistent with public liberty, for it encourages a staple trade, on which in great measure depends the universal good of the nation.”²

1464-65.
4 Edward
IV.

An instance of retaliatory prohibitions not unworthy of notice, as bearing eventually, if not immediately, on the condition of the people, took place in 1464 between the governments of England and Flanders. In that year the importation of “woollen cloths made in any other region” was prohibited by 4 Edward IV.; and the Duke of Burgundy, sovereign of the Low Countries, then issued a proclamation, to the effect that all manner of woollen cloths and woollen yarn made and wrought in the realm of England should be banished out of the lands of the said duke, whereby, our legislators naïvely observe, “by all likelihood the makers of woollen cloths within this realm of England, as weavers, fullers, dyers, spinners, carders, and winders of yarn, and other persons exercising the said cloth-making, and also buyers and sellers of the same, should be destitute of occupations, and become so idle that it should provoke them to sin and evil life, which God defend.” It is accord-

¹ 18 & 19 Chas. II. c. 4. See *post*, p. 300.

² Blackstone's *Commentaries*, 1st book, sec. 126.

ingly ordered, by way of retaliation for so great an injury, that the importation of merchandise of any kind, except provisions, from the countries under the dominion of the Duke of Burgundy, shall be prohibited, until English cloths and yarns shall be admitted into those countries as freely as they were before the proclamation of the said duke.

It would appear from this enactment, that the woollen manufacture had become of great importance in England at this time, that a considerable number of persons were employed in its various branches, and that the quantity of cloth exported was so large as to afford ground for a retaliatory proceeding on the part of a rival state. Our legislators, however, seemed unconscious that they ought not to expect other countries to take our commodities, unless we consented to take theirs: and that a prohibition imposed on one side, was likely to be met by a similar imposition on the other. They apparently did not perceive this. But they did perceive, that the prohibition of the Duke of Burgundy would deprive our people engaged in these manufactures of the means of living; as the duke would probably perceive, that a like prohibition on the part of England would operate in a like manner on the people similarly occupied in Flanders. Each side was sensible of its own privations, but neither heeded the privations of the other, and both were deservedly the victims of their own narrow and selfish policy.

In this case, provisions were excepted from the prohibition, and allowed to be imported as before; from which we may gather that England, with a population at that time probably not exceeding three millions, did not raise sufficient food for the support of its own people. English agriculture was indeed at that time in a very rude state, and we may form some idea of the husbandry of the period, and the miserable return obtained from the land, and the consequent low con-

State of
agricul-
ture.

dition of the labourers, from the fact stated by Sir John Cullum.¹ He says that in Hawsted, in 1390, the crop from 57 acres was 42 quarters and 1 bushel of wheat, which is less than 6 bushels an acre; 38 quarters and 2 bushels of barley from 24 acres, which is rather better than 12 bushels an acre; 34 quarters 2½ bushels of pease from 22 acres, which exceeds 12 bushels an acre; 33 quarters 2 bushels of oats from 54½ acres, or about 5 bushels an acre. With such defective husbandry we cannot wonder that the country did not support itself, and that provisions, as we have just seen, were allowed to be imported, whilst all other commodities were prohibited. It is true that from 1390, when the management here described existed at Hawsted, to 1464, the date of the above prohibitory enactment, a considerable period had intervened; but foreign wars and domestic strife throughout nearly the whole of the time had kept the country in a state of anarchy and disorder, so that no material improvement was likely to have taken place, neither is it likely that better husbandry prevailed in other parts of England than is above described as practised at Hawsted in Essex.

1483-1485.
Richard
III.

1483-84.
1 Richard
III. cap. 9.

The reign of Richard the Third was so criminal in its origin, and so brief in its duration, that little opportunity was afforded for legislation. But we nevertheless find, shortly after his accession, that an Act was passed (1 Richard III. cap. 9) "touching the merchants of Italy," of whom it is complained, "that great numbers inhabit and keep household within the City of London, and other cities and boroughs, and take warehouses and cellars, and therein put their wares and merchandises, which they bring into this realm, and deceivably pack, meddle, and keep the same, until the prices thereof been greatly enhanced for their great lucre, and the same wares and merchandises they then

¹ Sir John Cullum's *History of Hawsted*, p. 219.

sell to all manner of people, as well within the ports whereunto they bring them as in other places, and as well by retail as otherwise; and also buy the commodities of this realm, and sell them again within the same, and a great part of the money coming thereof employ, not upon commodities of this realm, but make it over the sea by exchange unto divers countries, to the great hurt and lessening of the king's customs, and the great impoverishing of his subjects, of whom they should buy the commodities." It is then directed that these Italian merchants shall sell their wares in gross, and employ their money in commodities of this realm; and further, that no alien shall occupy a house with another alien, nor be a handicraftsman, unless as a servant to one of the king's subjects; and all alien artificers are restricted from selling by retail.

Restric-
tions on
Italian
merchants
and aliens.

It would appear from this that foreign merchants and artizans had become numerous, and interfered with our own people, as well in the home as in the foreign markets; and if this were the case, the jealousy here manifested was not unnatural. But instead of applying to the legislature to restrain these foreigners from competing with us, our merchants and artizans should have taken pattern by them, and striven to equal or surpass them in skill and enterprise. The wealth and experience of these aliens must have been of great use in nourishing and sustaining native industry, at a time when wars and civil commotions had wasted native capital, and perverted it to other objects; and the country ought to have cherished the source whence such benefits were derived.

During the contest which had prevailed for the best part of a century between the rival Houses of York and Lancaster, no great improvement could be expected to take place in the general state of the country. The whole period, with little intermission, presented one dismal scene of strife and violence. In

The wars of
York and
Lancaster.

reference to this period, Hume observes : "There is no part of English history since the Conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the Roses. All we can distinguish with certainty through the deep cloud which covers that period is a scene of horror and bloodshed, savage manners, arbitrary executions, and treacherous, dishonourable conduct in all parties." Yet there was one redeeming circumstance connected with this unnatural state of things. Each of the contending parties was compelled to court the people, and the side which obtained the largest amount of popular support was sure to triumph, at least for a time, and until outbidden by its opponent. These appeals to the people could not fail to add to their importance, and increase their social influence. They were, in fact, become a substantive power in the state. The struggle was no longer confined to the nobility and landed gentry of the two rival factions. The people now asserted their right to have a voice in deciding by whom they would be governed, and the side which they supported always prevailed. Sir Frederick Eden remarks that "the great drain of men occasioned by Henry the Fifth's wars, and the subsequent bloody contest between the Houses of York and Lancaster, eventually contributed to render the whole nation free" : and there can be no doubt that the popular element made great progress under the influence of these circumstances. The long and unhappy years of civil strife, which inflicted such serious mischiefs on the country, and entailed such calamitous consequences upon families and individuals, may therefore be regarded as affording some compensation for these evils, in the sense of importance, and the feeling of self-respect, which were thereby infused into the great body of the people, preparing the way for, and rendering them fitter to enjoy, the civil liberty which they afterwards attained.

The great feudal nobility suffered much in these civil wars, and were reduced in number, as well as impoverished by the expenses, penalties, and confiscations to which they had been subjected. A distinguished historian observes that "the extent of the destruction which had fallen on the old aristocracy (through the wars of York and Lancaster) may be inferred from a single circumstance. In the year 1451 Henry the Sixth summoned fifty-three temporal lords to Parliament. The temporal lords summoned by Henry the Seventh to the Parliament of 1485 were only twenty-nine, and of these twenty-nine several had recently been elevated to the peerage."¹ In fact, feudalism may now be said to have received its death-blow. The nation had long been preparing for the change. The distinction of Norman and Saxon was no longer maintained. The two races had amalgamated and become one people. The exorbitant power of the nobility had been reduced, and the condition of the peasantry gradually elevated. With the conversion of the serfs and villeins into free labourers, a class of small farmers had sprung up, occupying an intermediate position between the lords of the soil and the labouring class, and exercising an important influence with regard to both. Commerce had increased, and brought with it an increase of wealth and means of employment. These changes were all of gradual growth, so gradual indeed as to be scarcely noticed at the time; but their final result was most important, abolishing class privileges, and establishing the right of every man to equal law, none being above its restraints, and no one below its protection.²

Extinction
of feudal-
ism.

¹ Macaulay's *History of England*, vol. i. p. 39.

² "Moral causes noiselessly effaced, first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased. Some faint traces of the old Norman feeling might perhaps have been found late in the fourteenth century. Some faint traces of the in-

1485-1509.
Henry VII.

Increase of
wealth, and
general im-
provement.

The battle of Bosworth, in August 1485, put an end to the reign of Richard the Third, and raised Henry the Seventh to the throne of England. Henry's accession constitutes an important era, a kind of turning-point in our social history. Speaking of this reign, Mr. Hallam observes: "It began in revolution, and a change in the line of descent. It nearly coincides, which is more material, with the commencement of what is termed modern history, as distinguished from the Middle Ages, and with the memorable events that have led us to make that leading distinction, especially the consolidation of the great European monarchies, among which England took a conspicuous station." From the commencement of Henry's reign, the increase of trade and manufactures, the spread of wealth and civilisation, and the improvement in the general condition of the people, may be said to have been uninterruptedly progressive. How much of this was owing to the firm and prudent government established by him, and how much to the circumstances of the times, and the general spread of intelligence, we need not stop to inquire—the fact is undoubted, and we of the present day are witnessing its benefits. Not that there was any great change in the principle or system of government pursued by Henry, as contrasted with his predecessors; but under him peace was maintained, the ascendancy of law was firmly upheld, life and property were protected, and class assumption, and what remained of feudal dominancy, were repressed. This is in truth nearly all that is essential to good government at any time, and this the people possessed throughout the reign of Henry the Seventh, who therefore must be regarded as one of the best, if not one of the greatest, of our English sovereigns.

stitution of villeinage were detected by the curious so late as the days of the Stuarts; nor has that institution ever, to this hour, been abolished by statute."—Macaulay's *History of England*, vol. i. p. 22.

In 1488 two Acts requiring notice were passed for preventing the decay of population in the Isle of Wight. The first (4 Henry VII. cap. 16) declares, that "it is for the security of the king and realm that the Isle of Wight should be well inhabited, for defence against our ancient enemies of France; the which isle is late decayed of people, by reason that many towns and villages have been let down, and the fields dyked and made pastures for beasts and cattle." And the second (cap. 19) recites that "The king, having singular pleasure above all things to avoid such enormities and mischiefs as be hurtful and prejudicial to the common weal, remembereth that great inconveniences daily doth increase by desolation and pulling down and wilful waste of houses and towns, and laying to pasture lands which customably have been used in tilth, whereby idleness, ground and beginning of all mischiefs, daily do increase: for where in some towns two hundred persons were occupied and lived by their lawful labours, now be there occupied two or three herdsmen, and the residue fall into idleness. Husbandry, one of the greatest commodities of this realm, is greatly decayed, churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the patrone and curates wronged, the defence of this land against our enemies outward feeble and impaired, to the great displeasure of God," etc. In remedy for this formidable list of evils, it is ordained that no man shall take a farm in the Isle of Wight the rent of which shall exceed ten marks, and that the owners of land let to farm shall keep and maintain upon such land the houses and buildings which are necessary for tillage and husbandry.

1488-89.
4 Henry
VII. cap.
16.

Cap. 19.

Alarm at
conversion
of arable
land to
pasture.

These enactments are obviously intended to prevent the conversion of arable land into pasture. Some stress is laid upon the necessity of a population in the Isle of Wight for defending it against the ancient enemy; but,

taking the two statutes together, it is clear the governing intention was to prevent the increase of pasturage, and to enforce the practice of tillage. This is the first instance exhibited in the statutes of that alarm at the increase of pasturage, and decrease of the rural population, which has manifested itself in some shape or other almost down to the present day, and about which so much has been said and written, and even sung, for who can forget poor Goldsmith's lines?—

“A time there was, ere England's woes began,
When every rood of ground maintain'd its man”—

Conversion
of arable
land to
pasture.

That the conversion of any considerable tract of land from tillage to pasture would occasion inconvenience, and possibly distress, to certain of the labourers previously employed upon it, must be admitted. Every change will, for a time, be productive of inconvenience to some one; but this can hardly be deemed a reason for legislating against all change. If the change be not advantageous, it will sooner or later be abandoned; and if advantageous, to legislate against it would not only be wrong, but would also in the long-run prove ineffective.

In the present instance, the demand for increased pasturage was probably caused by improvement in the condition of the people, by their living better, and consuming a larger quantity of animal food. Something may also have been owing to an extension of manufactures, particularly the woollen manufacture, for the supply of which with its staple material, an increase of sheep pasturage was probably required. An increase of manufactures would likewise draw the people to the towns, whither their newly acquired freedom would enable them to resort without let or hindrance. In short, pasturage was needed, and men found it their interest to extend it, and therefore ought to have been left to act upon their own judgment and responsibility, which would have been safer guides than legislative

enactments, however well intended and carefully devised.

The 11 Henry VII. cap. 2, is entitled "An Act against Vagabonds and Beggars."¹ It commences by ^{1495.} ^{11 Henry VII. cap. 2.} declaring that the king "most entirely desireth amongst all earthly things the prosperity and rest of this land, and his subjects to live quietly and surefully; and willing always, and of his pity intending, to reduce them thereunto by softer means than are provided in the statute 7 Richard II. cap. 5;² and considering also the great charges that should grow for bringing vagabonds to the gaols according to that statute, and the long abiding of them therein, whereby it is likely many of them would lose their lives,"—it is then ordained, that, instead of such misdoers being committed to the common gaol, the sheriffs, mayors, constables, and other offices of cities, boroughs, and towns, "do make due search, and cause to be taken all such vagabond, idle, and suspected persons living suspiciously, and them to set in the stocks, there to remain three days and three nights, with no other sustenance than bread and water, and after that to be set at large and commanded to avoid the town. And if he eftsones be again taken in the same town or township, he is then to be set in the stocks the space of four days, with like diet; and if any person give other meat or drink to the said misdoers whilst in the stocks, or the same prisoners favour in their misdoings, they shall forfeit for every time so doing twelve pence."

It is also further ordained, that beggars not able to work shall go rest and abide in the hundred where they last dwelled, or where they were best known, or born, "there to remain or abide, without begging out of the hundred, upon pain to be punished as is beforesaid."

¹ For a comparison of Scotch legislation on the same subject, see *History of Scotch Poor Law*, pp. 8-12.

² *Ante*, p. 55.

But this is merely a repetition of 7 Richard II.,¹ with the addition of a penalty of twenty pence on any sheriff or other officer who shall neglect or fail to carry these provisions into execution. A proviso at the end permits a diminution of punishment for women with child, and persons in extreme sickness. There is, moreover, a prohibition against servants, apprentices, and labourers, playing at certain games, except at Christmas.

Increase of
vagabonds
and beg-
gars.

This Act substitutes the summary punishment of the stocks, with bread and water, for that of committal to gaol directed by 7 Richard II. How far it was more lenient may admit of question, but it certainly was more prompt, and therefore perhaps more effective. The class of persons against whom the provisions of the Act were directed, had in all probability gained head during the disorder of the civil wars; and their numbers were likewise probably increased by the emancipation from villeinage now nearly consummated, and which, whilst it left the people free to follow their own inclinations, exonerated their former masters from responsibility for their support. That there was, owing to these or other causes, an increase of beggars and vagabonds seems likely, or this recurrence to legislation on the subject would hardly have taken place.

The exemption in favour of sick persons, and women with child, shows a tender consideration of which we have seen no previous instance; and the preamble of the present Act, to the effect that the king desires the quiet and prosperity of his subjects above all earthly things, shows that a new spirit pervaded the government, and that it was actuated by a feeling towards the mass of the people different from what had theretofore existed. Indeed the people had risen to so much consideration at this time, that an Act was passed in the present year (11 Henry VII. cap. 12), providing, as “a mean to help and speed poor persons in their suits,”

1495.
11 Henry
VII. cap.
12.

¹ *Ante*, p. 55.

that writs should be issued, and counsel and attorneys assigned for them, free of cost, in all suits "for redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes."

The prohibition against giving meat or drink to the "misdoers" whilst in the stocks, seems to point at almsgiving as being one cause of the evil of vagabondage. It is not unlikely that the increase of wealth which had taken place, would lead to an increase of almsgiving on the part of the laity, and to an increased distribution of alms by the clergy and the numerous religious institutions then existing in every part of the country. It would further seem that this charitable tendency was so general, so strong, and so little discriminative, as to render a legislative prohibition necessary to restrain it, and to prevent its neutralising the penalty inflicted by the law, which would of course tend to increase the amount of crime.

The statute of Henry IV. prohibiting persons not having lands or rents of the value of 20s. a year from apprenticing their children in any city or borough, and which had been repelled in favour of the citizens of London,¹ is also, on the prayer of the citizens of Norwich, repealed as regards them by 11 Henry VII. cap. 11. They represent, that "by force of that statute many and divers great vexations and troubles and losses have been done to them, whereby the most substantial crafts, called worsted-weavers and clothiers, by which crafts the weal of the said city hath and should be maintained, be greatly decayed"; wherefore they pray that the citizens of Norwich may be at liberty to take the sons and daughters of any persons that will put them to be apprenticed in the said city, the penalties

1495.
11 Henry
VII. cap.
11.
Appren-
ticeship.

¹ *Ante*, pp. 66 and 77.

of the said Act notwithstanding—a reasonable request, reasonably and promptly complied with; and a similar permission was in the following year, for like reasons, extended to all the worsted-makers in the county of Norfolk.

1495.
11 Henry
VII. cap. 2.

Scale of
wages.

In the same year 11 Henry VII. cap. 2, was passed. It is entitled “An Act for Servants’ Wages,” and was of short duration; but it nevertheless deserves notice, as it affords the means of comparing the rates therein prescribed, with those established by the 23 Henry VI., in 1444.¹ The Act begins, as usual, by referring to the previous statutes on the same subject, especially to that “made by the right noble Christian prince of blessed memory, King Henry the Sixth”—notwithstanding which statutes, it is declared, that “great and many defaults daily increase, rest, and continue, among labourers and artificers, some because the said statutes be not executed, and some because the remedy by the said statute is not very perfect, nor giveth certain nor hasty remedy; so that daily, by subtle imagination in defraud of the said statutes, many of the king’s subjects being hurt, deceived, let, and damaged in their building and husbandry”; for remedy of which it is ordained, that none engaged in husbandry shall receive higher wages by the year than the following:—

| | s. | d. | | s. | d. | |
|--|----|----|-------------------------------------|----|----|---------------------------------|
| A bailiff in husbandry . . . | 26 | 8 | clothing . . . | 5 | 0 | { with meat and drink. |
| Chief hine, carter, and chief shepherd } | 20 | 0 | ” | 5 | 0 | ” |
| Common servant in husbandry | 16 | 8 | ” | 4 | 0 | ” |
| Woman servant | 10 | 0 | ” | 4 | 0 | ” |
| Child within the age of four- teen years } | 6 | 8 | ” | 4 | 0 | ” |
| Every other labourer and artificer, from Easter to Michaelmas, shall receive . } | 0 | 2 | { a day with meat and drink } | 0 | 4 | { without meat and drink. |
| Ditto from Michaelmas to Easter } | 0 | 1 | ” | 0 | 3 | ” |

¹ *Ante*, p. 79.



And in the time of harvest—

| | s. | d. | { a day with meat and drink. } | s. | d. | { without meat and drink. } |
|---------------------------------|----|----|--------------------------------------|----|----|-----------------------------------|
| A mower to be paid | 0 | 4 | | 0 | 6 | |
| A reaper and a carter, each . . | 0 | 3 | „ | 0 | 5 | „ |
| A woman and other labourers . | 0 | 2 | „ | 0 | 4 | „ |

The wages of artificers, by the day, are not to exceed—

| | |
|---|--|
| A free mason | } From Easter to Michaelmas 6d. a day each, without meat or drink ; with meat and drink, 4d. a day. |
| Master carpenter | |
| Rough mason | |
| Bricklayer | |
| Master tiler | } From Michaelmas to Easter 5d. a day each, without meat and drink ; with meat and drink, 3d. a day. |
| Plumber | |
| Glazier | |
| Carver | |
| Joiner | |
| Master mason or master carpenter having charge of the work, and six or more men employed under him, to have | { 7d. a day without meat and drink, and 5d. a day with meat and drink. |

The wages of shipwrights, by the day, from Candlemas to Michaelmas, are not to exceed—

| | |
|--|---|
| A master ship-carpenter taking charge of the work and having men under him | { 5d. { with meat and drink } 7d. { without meat and drink. |
| Another ship-carpenter, called a hewer | { 4d. „ 6d. „ |
| An able clincher | { 3d. „ 5d. „ |
| An holder | { 3d. „ 4d. „ |
| A master caulker | { 4d. „ 6d. „ |
| Another mean caulker | { 3d. „ 5d. „ |
| A caulker labouring by the tide, for every tide | { 4d. „ |

From Michaelmas to Candlemas the wages of the artificers are to be 1d. a day less.

In places where less wages than the above have been usually given, less are still to be paid, “this Act notwithstanding”; and all husbandry servants and artificers are compelled to serve when required, under penalty of imprisonment for a month, and a fine of twenty shillings; and masters are liable to a penalty of 40s. for every time they shall give higher wages than is here prescribed. It is further ordained “that every artificer and labourer be at his work,

from the middle of March to the end of September, before five of the clock in the morning, and that he have but half an hour for his breakfast, and an hour and a half for his dinner and for sleep, and that they depart not from their work till between seven and eight of the clock in the evening." From the middle of September to the middle of March they are "to be at their work in the springing of the day, and depart not till night"; and the additional half-hour for sleep at dinner time is not to be allowed during this winter portion of the year.

Compared
with the
rates estab-
lished in
1444.

These rates are set forth in greater detail than we find them in the 23 Henry VI.; but they are open to the same objections. Indeed it may be said that their very completeness renders them the more certainly injurious. It will be seen, on comparison, that there is no material difference between the wages now prescribed and those previously established. There is an increase of a penny a day to the master mason and master carpenter, and an increase of 3s. 4d. in the yearly wages of the bailiff in husbandry, but in the other items there appears scarcely any difference; and it may therefore be inferred, that prices have on an average and on the whole, remained nearly stationary during the preceding half-century. The present resort to legislation would seem, however, to imply, that the working classes were endeavouring to secure a larger share of the comforts and conveniences of life in return for their labour, than they had previously been accustomed to obtain.

The chief difference between the preceding and the above table of wages, is in the latter's including ship-carpenters and caulkers, of whom no notice was taken in any former enactment. Shipbuilding has therefore, it may be presumed, gone on increasing, and has now become a regular and recognised branch of industrial occupation. Indeed, maritime enterprise

appears to have been in great activity in Europe at this period. Three years previous (August 2nd, 1492), Columbus had sailed from Spain for the discovery of a new world; and a few years later, Vasquez de Gama rounded the Cape of Good Hope in his way to India. Henry viewed these enterprises with the far-seeing eye of a statesman, and with the spirit of a merchant adventurer. He would have assisted Columbus: he did send out Sebastian Cabot, who first discovered the American continent. Henry also laid the foundation of the British navy by building the *Great Harry*, the first ship possessed by the crown, and in the building of which he expended the large sum of fourteen thousand pounds. It was natural, therefore, that he should wish to regulate the wages of shipwrights, in common with other artizans.

This Act for regulating wages was, however, repealed in the following year by 12 Henry VII. cap. 3. ^{1496.} No ground is assigned for this repeal, beyond the general declaration of "divers and many reasonable considerations and causes, and for the common wealth of the poor artificers—as free masons, carpenters, and other persons necessary and convenient for reparations and buildings, and other servants and labourers in husbandry." It has however been supposed, that the chief cause of the repeal was the high price of corn, wheat having risen from about 4s. the quarter, when the Act was passed in 1495, to the famine price, as it may be called, of 20s. the quarter in 1497, as appears by the table of prices appended to Sir Frederic Eden's *History of the Labouring Classes*. ^{12 Henry VII. cap. 3.}

In 1503-4 another Act against "vagabonds and beggars" was passed (19 Henry VII. cap. 12), in which reference is again made to 7 Richard II. The recital is precisely similar to that of the Act of 1495,¹ and the enactments differ chiefly in now prescribing a

¹ *Ante*, p. 97.

smaller amount of punishment for the same offences. Thus, "vagabonds, idle people, and suspected persons living suspiciously," are to be "set in the stocks, there to remain the space of one day and one night, with no other sustenance but bread and water," instead of three days and three nights; and they are afterwards to be set at large, and go to "the city, town, place, or hundred where they were born, or else to the place where they last made their abode by the space of three years, and that as hastily as they conveniently may, and there remain and abide." If again apprehended in the same town, they are to be set in the stocks for three days and three nights, instead of six days and six nights, as is before directed; but the penalty of 12d. is continued against any one giving meat or drink or favouring the "misdoers," or, it is also now added, "who shall them receive or harbour over one night." Beggars not able to work, are ordered to go rest and abide in the place where they were born, or where they last resided the space of three years, "there to remain without begging out of the said city, town, hundred, or place, upon pain to be punished as aforesaid"; and no man is to harbour or keep any such beggar in his house over one night, upon the same pain.

The penalty on sheriffs and other officers for neglect or failing to carry the provisions of the Act into effect is increased from 20d. to 3s. 4d. The prohibition against apprentices, servants, and labourers playing at certain games, except at Christmas, is continued; and, instead of the proviso with regard to women with child and sick persons, it is now directed, "that diminution of punishment of vagabonds and beggars aforesaid may be had for women great with child, and men and women in great sickness, and persons being impotent and above the age of sixty years, by the discretion of him that hath authority to do the said punishment, this Act notwithstanding." This statute

Penalty on
favouring
misdoers.

Sick and
impotent
persons
exempted.

may, therefore, be said to be really what the previous Act of 1495 only professed to be—a mitigation of the severity of that of 7 Richard II.¹ Its tone is more humane and considerate, and the punishments imposed by it do not, on the whole, appear greater than the occasion warrants. The direction for beggars to confine themselves to the places of their birth, or where they last resided for three years, is open to the same objection as the similar enactment in the Act of Richard, no provision being made for their relief in those places; but the giving a discretion to the administrators of the law for diminishing the amount of punishment in the cases of sick, aged, and impotent persons, is a decided improvement, and evinces a more kindly feeling than had existed at former periods.

This was the last Act having reference to the poor passed in Henry's reign. He died, five years afterwards, on the 21st of April 1509, in his 53rd year. It has been said of him that he loved peace without fearing war, and that he was free from timidity either in the conduct of his affairs or in the day of battle. Throughout the whole of his reign he was strenuous in his efforts to prevent the great lords and landed gentry from engaging retainers, and giving badges and liveries, a practice by which they enlisted people to assist them in riots and violences, and even in bearing evidence for them in courts of justice. In his general summary at the end of Henry's reign, Hume says: "The art of printing, invented about this time,"² extremely facilitated the progress of improvement. The invention of gunpowder changed the whole art of war. Mighty innovations were soon after made in religion, such as not only affected those states that embraced them, but even those that adhered to the ancient faith and worship. And thus a general revo-

1509.
Death of
Henry VII.

¹ *Ante*, p. 55.

² It is supposed to have been first practised in 1451.

lution was made in human affairs throughout this part of the world, and men gradually attained that situation with regard to commerce, arts, science, government, police, and cultivation in which they have ever since persevered."

1509.
Amount of
the popu-
lation.

The population of England and Wales at this time had probably risen to 4,000,000. In 1528 returns were obtained of the stock of grain in the kingdom, and some of these returns, containing likewise a statement of the number of inhabitants in certain districts, have been preserved, from which statements, coupled with the census returns of 1831, it has been inferred that the population in 1528 was about 4,356,000; and if such were the case, it may, without violating probability, be assumed that it amounted to four millions in 1509.¹

¹ See M'Culloch's *Account of the British Empire*, vol. i. pp. 398-9, 2nd edition. See also *ante*, pp. 55 and 71, where the population is estimated at 2,350,000 in 1381, and at 3,000,000 in 1415.

CHAPTER III

A.D. 1509-1558

Accession of Henry VIII.—Sumptuary laws—Prices of provisions—Consolidation of farms and increase of pasturage—State of Manchester—Gipsies—Vagrants and beggars—"Ruffelers"—Limitation of almsgiving—Management of the poor—Employment of children—The Reformation, and suppression of religious establishments—Condition of the people—Accession of Edward VI.—Loiterers and wanderers—Beggars' children—Aged and impotent poor—Collectors of alms—Combinations—Pasture and tillage—"Gigge-mills"—"Act of Uniformity"—Book of Common Prayer—Accession of Mary—Restoration of popery—Licensed begging—Sumptuary law—Gipsies—Exportation of corn prohibited—Prices of cattle, poultry, and wheat—General increase of prices—Influences of popery and of the Reformation—Death of Mary.

HENRY THE EIGHTH succeeded to the throne at the age of eighteen, and neither the amusements and dissipation natural to his youth, which the wealth accumulated by his father enabled him to command, nor the excitement and turmoil of continental politics, into which he eagerly entered, appear to have so far occupied his time as to prevent his attending to the business of government. He exhibited great activity and energy, although not always wisely directed either by himself or his advisers, the principal of whom was Wolsey for sixteen years of the period, that is, from 1513 to 1529. Henry's natural qualities were of a superior order. His manners were popular, frank, and manly, and his appearance was highly prepossessing. Throughout his long and eventful reign he never ceased to be a favourite with the people. He was, in short, eminently fitted for the times in which he lived; and it is not perhaps too much to say, that scarcely any other

1509-1547.
Henry
VIII.

English sovereign could have brought about the stupendous changes which he effected, with so little danger and disturbance to the machine of government and the general framework of society.

1589.
1 Henry VIII. cap. 14.
Ordinance of clothing.

Henry was fond of splendour, pageantry, and display, in which his manly figure and high bearing fitted him for appearing to advantage. One of the earliest Acts of his reign was that for regulating apparel (1 Henry VIII. cap. 14), the preamble to which recites, that "the great and costly array and apparel used within this realm, contrary to good statutes thereof made, hath been the occasion of great impoverishing of divers of the king's subjects, and provoked many of them to rob, and do extortion, and other unlawful deeds, to maintain thereby their costly array." The Act then prescribes what description of clothing may, and what may not, be used, by persons of different ranks and degrees, and this is done with a minuteness approaching to the ludicrous; but women are specially exempted from the provisions of the Act. Purple and cloth of gold are reserved to the exclusive use of the king, queen, and royal family, and "no man under the degree of a knight is to wear any guarded or pinched shirts, or pinched partelet of linen cloth, upon pain of forfeiture of the same shirt or partelet, and for using of the same to forfeit ten shillings."

This statute is, in fact, a revival of that of Edward the Fourth,¹ with certain modifications adapting it to the altered habits of the time; and so important was the due regulation of apparel deemed by Henry and by his parliament, that elaborate Acts were passed at three subsequent periods, establishing new and more minute regulations on the subject. These Acts were 6 Henry VIII. cap. 1; 7 Henry VIII. cap. 6; and 24 Henry VIII. cap. 13. The preambles of the two former are similar to that of the first Act, and there is no very

¹ *Ante*, p. 87.

material change in their enactments; but the last Act recites as an additional reason for its being passed, that there "hath ensued and daily do chance such sundry high and notable inconveniences as be to the great, manifest, and notorious detriment of the common weal, the subversion of good and politic order in knowledge and distinction of people, according to their estates, pre-eminences, dignities, and degrees, and to the utter impoverishment and undoing of many inexpert and light persons inclined to pride, mother of all vices." This last Act takes a wider range of regulations than any of the preceding, for in addition to the king and royal family, and dukes, marquesses, earls and barons, it prescribes the dress to be worn, or rather that which may *not* be worn, by persons having incomes respectively of £200 a year, of £100 a year, of £40 a year, of £20 a year, and of £5 a year. It then lays down the rule for servants, yeomen, and persons having less than 40 shillings a year; and for husbandmen, servants in husbandry, and journeymen in handicrafts; after which the apparel to be used by the clergy is prescribed.

These regulations show the character of the times in which they were framed, when incidents of private life and domestic economy were held to be fit subjects for legislative interference. Of a character somewhat similar, and therefore not to be entirely passed over, was 3 Henry VIII. cap. 15. This statute, after providing for the protection of our native manufactures by prohibiting the importation of foreign hats and caps, directs "that no capper or hatter, nor other person, sell nor put to sale any cap or hat that shall be made within this realm, unless it be sufficiently wrought, and of a sufficient colour in every point, after the goodness and fineness of the wool whereof they shall be made, upon pain of forfeiture of 6s. 8d. for every cap or hat so sold"; and caps made of the finest "Leemynster wool" are to be sold for 3s. 4d., and

1511-12.
3 Henry
VIII. cap.
15.

those made of the second sort for 2s. 6d., and those of the third sort for 20d., and those of the fourth sort for 12d. The price of caps made of the finest "Coteswold wool" is to be 2s., of the second sort 16d. The caps made of Leemynster wool are to be marked with the letter L, and those made of the Coteswold wool with the letter C; and no capper or hatter is to take a higher price than the above, under a penalty of 11s. This is not only shutting out foreign competition, but regulating the home manufacture and fixing the price of the commodity. Could there be a more effectual mode of preventing improvement, and ensuring the worst article at the highest cost? Yet the measure was doubtless intended to produce the very opposite of these results—to benefit both the producer and consumer, the operatives and the community at large, and was probably popular at the time.

1514-15.
6 Henry
VIII. cap.
3.

The next statute requiring notice is 6 Henry VIII. cap. 3. It is entitled "An Act concerning Artificers and Labourers," and is a re-enactment verbatim of the 11 Henry VII.,¹ which we have seen was only in force one year. The twenty years which had since elapsed seem to have called for no change in the rates of wages then fixed, and which differed little from those prescribed in 1444 by the 23 Henry VI.;² so that, after an interval of seventy years, we find no material difference in the rates prescribed for labour. A corresponding steadiness is observable in the price of wheat.

Prices of
provisions.

In 1442 and 1444 wheat stands in Sir Frederick Eden's Table of Prices at 6s. 8d. a quarter, and in 1514 and 1515 it stands at 6s. 8d. and 6s. respectively, although there had been great fluctuations in the intervening period, varying from 1s. the quarter in 1454 and 1s. 8d. in 1463, to 24s. the quarter in 1486 and 20s. in 1497. Taking the whole period between the years 1444 and 1514, however, 6s. appears to have been about the

¹ *Ante*, p. 100.

² *Ante*, p. 79.

average price of a quarter of wheat.¹ Under these circumstances, the attempt now made to fix the rate of wages by statutory enactment can only be accounted for by a desire on the part of the master-class to prevent a rise. The impolicy of such a proceeding is sufficiently obvious, and it was found necessary the year following to repeal the Act as regarded masons, carpenters, and other artificers in the city of London.

In this and the following year two Acts were passed 1514, 1515.
 “concerning pulling down of towns,” of a similar tendency to those of the preceding reign with reference 6 & 7 Henry VIII. caps. 5 and 1.
 to the Isle of Wight, and the increase of pasturage.²
 These Acts (6 Henry VIII. cap. 5, and 7 Henry VIII. cap. 1) declare that great inconveniences are occasioned by the pulling down and destruction of houses and towns, and laying to pasture lands which have been usually occupied in tillage, to the great increase of idleness; as where 200 persons were daily occupied and lived by tillage and the breeding of cattle, “the said persons and their progeny are now minished and decreased, whereby husbandry, which is the greatest commodity of this realm, is greatly decayed.” It is then directed that all towns, villages, hamlets, and other habitations so decayed, shall be re-edified within

Pulling
down of
houses
prohibited

¹ The following comparative statement of other articles, extracted from Sir Frederic Eden's Table of Prices, may here be useful in illustration of the circumstances of the two periods:—

| | In 1444. | | In 1511. | |
|-----------------------------|----------|----|----------|----|
| | s. | d. | s. | d. |
| A fat ox. | 31 | 3 | 13 | 4 |
| A lean ditto | 13 | 0 | 8 | 0 |
| A sheep (1449) | 2 | 5½ | 1 | 8 |
| A calf | 2 | 0 | 1 | 8 |
| A pig | 3 | 0 | 3 | 0 |
| A goose | 0 | 3 | 0 | 4 |
| Three pigeons | 0 | 1 | 0 | 1 |
| A quarter of malt | 4 | 0 | 4 | 0 |

These figures are not perhaps to be implicitly relied on, but they serve at any rate to show that no steady or decided rise in price had taken place in the interval between the above dates.

² *Ante*, p. 95.

one year, and that all tillage-lands turned to pasturage shall be restored again to tillage.

1533-34.
25 Henry
VIII. cap.
13.

Consolidation of farms, and conversion of arable land to pasture, prohibited.

Nine years afterwards this question of the decay of towns and the increase of pasturage again became the subject of legislation. The preamble to 25 Henry VIII. cap. 13, declares, that divers of the king's subjects, "to whom God of His goodness hath disposed great plenty and abundance of moveable substance, now of late have daily studied and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land as they can get to pasture, and not to tillage, whereby they have not only pulled down churches and towns, and enhanced the old rate of rents, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other, almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so discouraged with misery and poverty that they fall daily to theft, robbery, and other inconvenience, or pitifully die for hunger and cold." It is then said that the chief reason influencing these "greedy and covetous people to keep such great portions of the land from the occupying of the poor husbandmen, and to use it in pasture and not in tillage, is the great profit that cometh of sheep—some having 24,000, some 20,000, some 10,000, some 6000, some 5000, and some more and some less. And it is ordered, as a remedy for this supposed evil that no man shall keep above 2000 sheep, under the penalty of 3s. 4d. for every one kept by him above that number.

It would seem from the tenour of this enactment that more capital and skill were now being applied to the land, and hence "the gathering into few hands great multitude of farms, and great plenty of cattle, especially sheep." We may presume that the increase of capital, or what is called "the great plenty and abundance of moveable substance," had arisen mainly from the increase of trade and manufactures; and to this cause may also be attributed the increase in sheep-pasturing, wool being in greater demand for the purposes of the manufacturer, and consequently yielding a greater profit to the wool-grower. These circumstances denote an increase of employment, and consequently of social comfort, although it is possible, and not inconsistent with this general increase of comfort, that in certain of the rural districts distress may, as is asserted, have been occasioned by the changes then in progress.

So likewise the complaints made ten years subsequently in 35 Henry VIII. cap. 4, of the decay of towns, must be regarded as arising from a similar change. The old walled and fortified towns had become of less importance in a time of peace and established order, and their corporate usages operated as restrictions upon trade, and especially on the manufacturer, who required space for his operations, and who was glad to remove to an open town or village as soon as he could do so with safety. Hence the decay of the old enclosed towns, and the gradual growth of new ones, more favourable as sites of manufacturing industry.

It is recorded of Manchester, so early as 33 Henry VIII. cap. 15, that "the inhabitants are well set a work in making of cloths, as well of linen as of woollen, whereby the inhabitants have obtained, gotten, and come into riches and wealthy living, and have kept and set many artificers and poor folk to work within

1543-44.
35 Henry
VIII. cap.
4.

1541-42.
33 Henry
VIII. cap.
15.

State of
Manches-
ter.

the said town, and many poor folks had living and children and servants there, virtuously brought up in honest and true labour, out of all idleness." Such was doubtless the case in other places as well as Manchester, although these new seats of industry are overlooked in the complaints made for the decay of certain of the old towns.

1530-31.
22 Henry
VIII. cap.
10.

In "An Act concerning Egyptians," passed in 1530-31 (22 Henry VIII. cap. 10), we find the first statutory notice of that extraordinary people. The Act recites, "Forasmuch as afore this time divers and many outlandish people calling themselves Egyptians, using no craft or faiete of merchandise, have come into this realme, and gone from shire to shire and place to place, in great company, and used great subtle and crafty means to deceive the people, bearing them in hand that they by palmystire could tell men and women's fortunes, and so many times by craft and subtlety have deceived the people of their money, and also have committed many and heinous felonies and robberies, to the great hurt and decay of the people that they have come among." It is then ordained, that no such persons shall in future be permitted to come into this realm, under pain of imprisonment and forfeiture of all their goods; and further, that proclamation should be forthwith made, commanding all the "Egyptians" then in the country to depart within sixteen days, under like penalties. It does not appear, however, that these directions were attended to, for the Gipsies continued to infest the country as before, mingling with the people, and preying upon their credulity, and becoming more or less identified with the vagabond and mendicant classes; and so they have continued even to the present day.¹

¹ Scotch legislation followed much the same lines, and with much the same success. See *History of Scotch Poor Law*, pp. 44-48.

Shortly afterwards was passed a most elaborately framed Act "concerning the punishment of beggars and vagabonds." This statute (22 Henry VIII. cap. 12) is deserving of especial notice, affording as it does a proof of the careful attention given to the subject at that time.¹ The preamble recites that "in all places throughout this realm, vagabonds and beggars have of long time increased, and daily do increase in great and excessive numbers, by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung, and daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the unquietation and damage of the king's people, and to the marvellous disturbance of the common weal. And whereas many and sundry good laws and strict statutes and ordinances have been before this time devised and made for the due reformation of the premises, yet that, notwithstanding, the said numbers of vagabonds and beggars be not diminished, but rather daily augmented into great routs and companies, as evidently doth appear." It is then ordered, for remedy of these evils,—

Firstly.—That justices of the peace, mayors, sheriffs, and other officers, shall from time to time, within the limit of their authorities, make diligent search of all aged poor and impotent persons which live by alms and charity; and the said justices, etc., may enable such of the said impotent persons as they think convenient to beg and live of the charity and alms of the people, within a limit to them to be appointed, "and shall register their names in a bill or roll indented, the one part thereof to remain with

1530-31.
22 Henry
VIII. cap.
12.

Vagabond
and beg-
gars.

Impotent
poor licen-
sed to beg.

¹ Repeated efforts were made in Scotland and Ireland of a similar nature, following usually the English model, but without the same care for the really poor. See *History of Scotch Poor Law*, pp. 11-32; and *History of Irish Poor Law*, pp. 22, 23.

themselves, the other part to be certified at the next sessions, there to remain under the keeping of the Custos Rotulorum"; and they are also to deliver to every impotent person so enabled to beg, a letter containing the name of such person, and witnessing that he is authorised to beg, and the limit within which he is so authorised; and the letter is to be sealed with a seal engraved with the name of such limit, and subscribed by one of the said justices, etc. And if any impotent person so authorised shall beg in any other place than within such prescribed limit, "the justices, mayors, and sheriffs may, at their discretion, punish such person by imprisonment in the stocks the space of two days and two nights, giving them only bread and water, and after that causing them to be sworn to return again without delay to the place where they were authorised to beg."

Punish-
ment of
beggars go-
ing beyond
the limits
assigned
them.

Secondly.—If any such impotent person shall go about begging, having no such letter under seal, "the constables and other inhabitants within the town or parish where such person shall beg, shall cause him to be taken and brought to the next justice or high constable of the hundred, who shall command him to be stripped naked from the middle upwards, and cause him to be whipped, if it shall seem to the discretion of the said justice or high constable that it be convenient so to punish such beggar; and if not, then to command such beggar to be set in the stocks by the space of three days and three nights, there to have only bread and water." He is then to be furnished with a letter under seal, and assigned a limit within which to beg, and is to be sworn to repair thither immediately "after his punishment is to him executed."

Thirdly.—If any person or persons, "being whole and mighty in body, and able to labour," be found begging, or if any man or woman, being whole and

mighty in body, and able to labour, "having no land master, nor using any lawful merchandise, craft, or myserie, be vagrants, and can give no reckoning how he doth lawfully get his living," the constables and others of the king's subjects of every town, parish, and hamlet, are to arrest the said vagabonds and idle persons, and bring them before a justice of peace, high constable, mayor, or sheriff, "who at their discretion shall cause every such idle person to be had to the next market-town, or other place most convenient, and be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place, till his body be bloody by reason of such whipping; and after such punishment he shall be enjoined upon his oath to return forthwith the next straight way to the place where he was born, or where he last dwelled the space of three years, and there put himself to labour like as a true man oweth to do." The person so punished is to be furnished with a letter duly sealed, witnessing that he hath been punished according to this statute, and stating the day and place of his punishment, and the place whereunto he is limited to go, and by what time he is limited to come thither, within which time he may lawfully beg by the way. If he fails to obey the order appointed in the said letter, "he is eftsoons to be taken and again whipped, and so, as often as any default shall be found in him contrary to the order of this statute, he is in every place to be taken and whipped, till he be repaired to where he was born, or last dwelt for three years, and there labour for his living, without begging, as long as he is able so to do." And if, where any impotent person or strong beggar doth happen to beg contrary to this statute, the constables and inhabitants be negligent and fail to take and punish every such beggar, then the parish or township is to forfeit for every such default, if it be an

Able-bodied beggars punished.

impotent beggar 3s. 4d., and for every strong beggar 6s. 8d., “one half to the king, the other half to him that will sue for the same.”

Fourthly.—“Scholars of the Universities of Oxford and Cambridge that go about begging, not being authorised under the seal of the said universities, and shipmen pretending losses of their ships and goods at sea, going about the country begging without sufficient authority witnessing the same, shall be punished and ordered in manner as is above rehearsed of strong beggars. And all proctors and pardoners going about without sufficient authority, and all other idle persons going about, or abiding in any city, borough, or town, some of them using divers and subtle craft and unlawful games and plays, and some feigning to have knowledge in physic, physionomie, palmistry, or other crafty science, whereby they bear the people in hand that they can tell their destinies, diseases, and fortunes, and such other like fantastical imaginations,” shall, if found guilty of any such deceits on examination before two justices, be punished by whipping two days together, after the manner before rehearsed. “And if he eftsoons be guilty of the same or like offence, then he is to be scourged two days, and the third day put upon the pillory from nine till eleven of the clock in the forenoon, and have one of his ears cut off; and if he offend a third time, he is to have like punishment of whipping and the pillory, and have his other ear cut off.”

Fifthly.—If any person shall give harbour, money, or lodging to any beggars, being strong and able to work, who act contrary to the form of this statute, every person so doing is subjected to such fine as the justices at their general sessions shall direct. And if any person or persons shall in anywise hinder the execution of this Act, or make rescue against any mayor or other person endeavouring for the due

Alms to
strong beg-
gars pro-
hibited.

execution thereof, such person or persons for every such offence shall lose and forfeit a hundred shillings, and over that have imprisonment at the king's will. And it is further ordered, that the Act shall yearly be read in open sessions, "to the intent that it may be the more feared and the better put in execution."

By thus reverting to greater stringency towards vagrants, it would seem that the more lenient course prescribed by 19 Henry VII. cap. 12,¹ had not answered. Indeed this is assumed in the present Act, which begins by asserting the great increase and excessive numbers of vagabonds and beggars, to correct which evil the several enactments are framed. These enactments are here given at greater length than usual, for the purpose of showing the care bestowed on the subject by the framers of the statute, and also as affording an insight into the condition of the people, and the opinions and feelings prevalent at the time with respect to the vagrant classes.

The legislators of that day were strenuous in their endeavours to put an end to vagabondage in every shape; but they recognised the distinction between the impotent poor beggar and the able-bodied mendicant, and directed a different proceeding with respect to each. As regards the impotent poor, the proceeding seems to have been prescribed with a view to ascertaining whether it would be possible so to regulate mendicancy as to deprive it of its evil consequences—whether, in short, the sanction or toleration of begging, by means of a letter of licence under strict limitations and restrictions, might not be adopted without leading to an increase of beggars. The experiment was made in a good spirit, but the result could hardly have been regarded as doubtful, even at that early period. With respect to the able-bodied, the course adopted was more direct and more stringent. But the distinction

Distinction
between
the im-
potent and
able-
bodied.

¹ *Ante*, p. 103.

thus made in the mode of treating the two classes, and which is laid down with such minuteness in the present Act, although doubtless important, still ends in sending both the one and the other back to the place of their birth or previous residence; granting to the impotent permission to beg, and requiring, but not in any way assisting, the able-bodied to set themselves to work. No provision is made for sustaining the weak, or for helping the strong to find employment; and therefore, notwithstanding the severity of the punishments awarded, the statute was sure to fail of accomplishing the object for which it was designed.

The fourth provision, inflicting punishment on scholars of the two Universities who go about begging without being duly licensed, seems at the present day an extraordinary enactment; but it was not then so regarded. The priests and inferior clergy were all, more or less, beggars, or solicitors of alms, and those of the mendicant orders were professedly such; so that partly from custom, and partly from teaching and example, not only was begging tolerated, but the profession of a beggar was not regarded as disgraceful. Against habits and impressions thus countenanced and upheld, the legislature had to struggle in its endeavours to suppress mendicancy; and it was not until after the Reformation had been established, and the monastic orders suppressed, that mendicancy can be said to have been materially lessened, or that habits of self-reliance and feelings of self-respect became prevalent with the people.

This Act (22 Henry VIII. cap. 12) continued in force five years, when it was repealed, and another elaborate statute, framed with a like object, was passed. The present Act was, however, revived ten years afterwards, and appears to have been still relied upon for protecting the community against the spread of vagabondage and mendicancy.

The 27 Henry VIII. cap. 25, has the same title as the preceding Act, a deficiency in which it was intended to supply, and which is thus described in the preamble :—" And forasmuch as it was not provided in the said Act how and in what wise the said poor people and sturdy vagabonds should be ordered at their coming into their countries, nor how the inhabitants of every hundred should be charged for the relief of the same poor people, nor yet for setting and keeping in work and labour the aforesaid valiant vagabonds,"—it is ordered that the mayors, bailiffs, constables, and other head officers of cities, towns, and parishes, " shall most charitably receive such poor creatures or sturdy vagabonds as are specified in the said Act," and shall succour, relieve, and keep the said poor people by way of voluntary charitable alms, in such wise as none of them shall of necessity be compelled to wander and go openly in begging ; and also shall cause the said sturdy vagabonds and valiant beggars to be set and kept to continual labour in such wise as they may get their own living with the continual labour of their own hands. The mayors, bailiffs, constables, etc., are likewise " to endeavour to order and direct the poor people, valiant beggars, and sturdy vagabonds, in such wise that the present Act shall be duly observed and put in execution, upon pain that every parish shall forfeit twenty shillings for every month in which it is omitted and not done."

1535-36.
27 Henry
VIII. cap.
25.

" Valiant
beggars"
are to be
set to work.

This provision, or rather direction, for setting the " sturdy vagabonds and valiant beggars " to work, is an important advance upon the previous Act ; but still it was evidently feared that there might be a want of means for carrying the provision into effect ; and it is, therefore, further ordered, that the mayors and other head officers, etc., and the churchwardens or two others of every parish, " shall take such discreet and convenient order, by gathering and procuring voluntary

Poor people
unable to
work to be
relieved,
and an
account to
be kept.

alms of the good Christian people within the same, with boxes, every Sunday and holiday, or otherwise among themselves, in such good and discreet wise as the poor, impotent, sick, and diseased people, being not able to work, may be provided, holpen, and relieved; and that such as be lusty, having their limbs strong enough to labour, may be daily kept in continual labour, whereby every one of them may get their own living with their own hands." It is then also further ordered, that every parson, vicar, and curate shall exhort people to extend their charitable contributions from time to time for and towards the above objects; and they, or some other honest man of every parish, are to keep a book of reckoning, and therein enter all such sums of money as shall be gathered by the charitable alms of the inhabitants, and in what wise any part of the same money shall be spent. The book is to be bought and paid for by the constable and churchwardens, and to remain in the custody of two or three of them, or of some indifferent man by their consent, and not with the parson of the parish. It is, however, expressly declared that the alms are not compulsory, and that no one is "to be constrained to any such certain contribution but only as their free wills and charities shall extend." The churchwardens and collectors are not to continue in office more than one year; and if there should be a surplus of alms collected in any one parish, it is to be applied in aid of other poor parishes near or adjoining.

After thus organising the collection and appropriation of alms, the Act goes on to direct that no person shall make any common or open dole, nor shall give any money in alms, otherwise than to the common boxes and common gatherings, for the purposes of this Act, "upon pain of forfeiting ten times the value of all such money as shall be given contrary to the tenour and purport of the same." And all persons and bodies

politic and corporate, that are bound to give or distribute any money, bread, victuals, or other sustentation to poor people, must give the same into such common boxes, to the intent that it may be employed "towards relieving the said poor, needy, sick, sore, and indigent persons, and also towards setting in work the said sturdy and idle vagabonds and valiant beggars." This was a great stretch of legislative power, but without it there would be no chance of the collections proving sufficient for the intended object. It may likewise have been necessary for checking mendicancy and vagabondage, for as long as these doles and established charities were distributed, so long would there be applicants to partake of them—they might occasionally afford relief to destitution, but they would also help to create it, by diverting people from industrial pursuits and leading them to rely upon alms for support.

A new description of offenders are noticed in this statute. They are described as idle persons, "rufflers," calling themselves servingmen, but having no masters. They are expressly subjected to the penalties provided in this and the previous Act; and if, after having been once taken, whipped, and sent into any town, hundred, or parish, any of the aforesaid "rufflers, sturdy vagabonds, and valiant beggars" wander, loiter, or idly play the vagabonds, and absent themselves from such labour as shall be appointed unto them, then upon due examination and proof, they are not only to be whipped again, and sent to the town or parish whereunto they were first appointed, but also "have the upper part of the gristle of the right ear clean cut off, so as it may appear for a perpetual token that he hath been a contemner of the good order of the common wealth." And every constable, with the assistance of the most substantial people of every parish where such "ruffeler, sturdy vagabond, or valiant beggar" shall happen to be taken, shall do or cause to be done this execution, as

"Rufflers"
to be
treated as
"sturdy
vaga-
bonds."

well in whipping as in cutting off the said upper gristle of the ear, upon pain of forfeiting five marks, and the inhabitants are to assist the said constables to the best of their power, upon the like pain. It is also further directed, that "if any ruffeler, sturdy vagabond, or valiant beggar, having the upper part of the right ear cut off as aforesaid," be apprehended wandering in idleness, and it be duly proved that he hath not applied to such labours as have been assigned to him, or be not in service with any master, "that then he be committed to gaol until the next quarter sessions, and be there indicted and tried, and, if found guilty, he shall be adjudged to suffer death as a felon."

The only other section of this statute requiring notice is that which provides for placing poor children out in service. By the 4th section, it is enacted, that the governors, justices of the peace, and head officers and constables of every city, town, or parish, shall have authority "to take up all children between the ages of five and thirteen years, who are begging or in idleness, and appoint them to masters in husbandry or other crafts to be taught, by which they may get their livings when they shall come of age, giving to them of the said charitable collections clothing to enter into such service." And if any of such children between the ages of twelve and sixteen refuse such service, or depart from the same without reasonable cause, they are to be apprehended and openly whipped with rods, at the discretion of the said officers.

Children
found beg-
ging to be
put to ser-
vice.

The several provisions of this comprehensive statute go a long way towards creating a parochial machinery for the relief and management of the poor, and seem in fact to have been the foundation of what was afterwards done in this respect. The Act is therefore deserving of particular notice, as well on this account as because it embodies all that the experience of the statesmen of the day could devise on the subject; and at no other

time does more attention appear to have been paid to this question, or to the condition of the people generally. It is impossible to go through the numerous Acts passed in the present reign, often (as in the case of the two just cited) most elaborately framed, and bearing upon almost every point of social interest, without seeing that the condition of the people occupied much of the attention of government. The views entertained were not always sound, nor the measures adopted always calculated to produce the best effects—sometimes indeed the very reverse, as in the instances already noticed of wages and apparel and sheep pasturage; but still most careful attention was given to the wants of the people, and their ease and comfort seem to have been earnestly desired both by king and parliament.

Thus, in 1532-33, complaint was made to the king on behalf of his “poor subjects of this realm” (24 Henry VIII. cap. 3), “that whereas before this time all manner of victual hath been sold at prices convenient, so that all your subjects, and especially poor persons, might with their crafts or bodily labour buy sufficient for the necessity and sustentation of them, their wives, and children; but now all victual, and especially beef, mutton, pork, and veal, which is the common feeding of the mean and poor persons, are sold at so excessive price that your said needy subjects cannot gain with their labour and salary sufficient to pay for their convenient victual and sustenance,”—and on this complaint it is ordered that beef and pork shall be sold at a halfpenny a pound, and mutton and veal at a halfpenny and half a farthing, and that the flesh shall be cut out in reasonable pieces according to the request of the buyer, “without fraud or covyn.” But it is also further specially provided, that in places where beef, mutton, pork, and veal be sold at less prices, this Act is not to apply. In the following year another Act

1532-33.
24 Henry
VIII. cap.
3.

Prices of
beef, mut-
ton, and
veal.

1533-34. was passed (25 Henry VIII. cap. 1), confirming and
 25 Henry VIII. cap. 1. enforcing the above, and further directing "that every owner, grazier, farmer, breeder, drover, and brogger, which shall have any beefs, muttons, veals, or porks fat and kept to be sold for man's meat, shall, whensoever any butcher shall resort to them to buy the same, make sale of their said cattle at such reasonable prices as the said butcher may retail the same again, according to the effect of the said former Act." About the same time 25 Henry VIII. cap. 2 was passed, enabling the Lord Chancellor and other high officers of state to fix and regulate the price of "cheese, butter, capons, hens, and chickens." Two years afterwards, however, the two first-cited Acts were repealed, and butchers were permitted "to kill and sell all manner of beef, pork, mutton, and veal at their pleasure, as freely as they did or might have done at any time before the making of the said statutes": we may presume that the futility of such regulations had in the course of these two years become sufficiently apparent—yet the price of cheese, butter, capons, and chickens was still left subject to the fiat of the Lord Chancellor.

1533-34.
 25 Henry VIII. cap. 2.
 Prices of butter and poultry.

The chief event of Henry's reign, however, and that which led to the greatest improvement in the condition of the people, was the Reformation, or rather the emancipation from the thralldom of papal supremacy, for the Reformation cannot be said to have been fully established until the reign of Elizabeth. But the parliament and people generally, as well as a considerable portion of the secular clergy, were prepared for the change, and went heartily with Henry in the matter.

Thus in 1532 an Act was passed (23 Henry VIII. cap. 20) denouncing the extortions of the see of Rome, and prohibiting the payment of annates and first-fruits. The year following, by another statute (24 Henry VIII. cap. 12), the pre-eminence and authority of the king, and the sufficiency of the body spiritual, to

determine all questions of the law divine without the intermeddling of any exterior person, are asserted, and appeals to Rome are prohibited under penalty of premunire. The next year another Act was passed (25 Henry VIII. cap. 21), in which various grievous exactions "by the Bishop of Rome, called the Pope," are specified, and the independence of the realm is therein again asserted, and all payments to "the bishop or see of Rome" are prohibited. Again, by 26 Henry VIII. cap. 1, the king is declared the supreme head of the Church of England; and finally, in 1536, the authority of "the bishop of Rome" within the king's dominions, and the usurpation of the papal power, are, by 28 Henry VIII. cap. 10, declared to be extinguished; and all persons who shall by writing, teaching, or preaching, uphold the same, are subjected to the penalties of premunire. This last Act may therefore be said to have completed the severance of England from the see of Rome, and the king and the parliament forthwith set about remodelling and reforming the religious institutions of the country.

1536.
28 Henry
VIII. cap.
10.

The "small abbeys, priories, and other religious houses of monks, canons, and nuns," were suppressed in 1536; and three years afterwards the dissolution of the larger abbeys and monasteries were decreed by 31 Henry VIII. cap. 13. It is probable that these two measures may not at first have been popular, as those persons who had been maintained in and by such institutions, and all who had been accustomed to receive alms at their gates, would naturally lament the abolition. But of the evil tendency of such establishments there can be no doubt. The habits of indolence which they served to cherish had the effect of increasing tenfold the evils which they were designed to cure; and it may be further remarked that by their dissolution, and the abrogation of clerical celibacy, it has been calculated that a hundred and

1539.
31 Henry
VIII. cap.
13.

fifty thousand persons of both sexes, heretofore withdrawn from marriage, were added to the force by which the population is kept up. In the state of England at that time, such an addition to the effective stock of its population, was in fact an addition to the sources of its strength; whilst the public mind, released from the shackles of the Romish Church, would turn with increased energy to questions of domestic policy and social improvement. The Reformation and its influences must therefore be kept prominently in view, in all considerations regarding the condition of the people or the relief of the poor, during this and the three subsequent reigns.

That there was great need of such changes as followed the Reformation, is quite certain. So backward were the people at that time in much that concerns the comforts, and what may be called the smaller luxuries of life, that it was not until the end of Henry's reign that salads, carrots, turnips, and other edible roots were produced in England. These vegetables had previously been imported from Holland and Flanders, and when Queen Catherine wished for a salad, she was obliged to send a messenger thither to fetch it. Indeed, commercial intercourse was then mostly confined to the Low Countries, whose merchants purchased our English woollens and other commodities, and distributed them to other parts of the world. Seventy-two thousand criminals are said to have been executed for theft and robbery during Henry's reign, which would be equal to an average of two thousand in each year.¹ The moral condition of the people must have been low indeed, to render such a sacrifice of life at the shrine of justice necessary for the protection of property, although other causes may have helped to increase its insecurity. One other cause

Condition
of the
people.

¹ This is probably an exaggeration, but the mere statement warrants our assuming that the number of such executions was very large.

doubtless did exist, in the absence of an adequate provision for the relief of the destitute, and this may account for much of the criminal violence which the strong arm of the law was called in to repress.

No further statute respecting the poor was passed in this reign, after 22 Henry VIII. cap. 12, and 27 Henry VIII. cap. 25,¹ and these two Acts remained thenceforward in concurrent operation. Henry died on the 28th of January 1547, and was succeeded by his son, Edward the Sixth, then only ten years of age. His mother and his tutors were all favourers of the Reformation, for which the prince himself, who is described as of very precocious intellect, was also zealous. His uncle and chief adviser, the Duke of Somerset, was a decided supporter of the reformed doctrines, and with him and Archbishop Cranmer, chiefly rested the duty of maturing and establishing the ritual and order of our Reformed Church, very nearly as they exist at the present day.

Death of
Henry
VIII. and
accession
of Edward
VI.

One of the earliest Acts of Edward's reign was 1 Edward VI. cap. 3, "for the punishment of vagabonds, and for the relief of the poor and impotent persons." Between eight and nine years had now elapsed since the monasteries and religious houses were suppressed, and one consequence of their suppression was to throw back upon the community a number of the vagrant and mendicant class who had been accustomed to derive their chief support from those establishments. The numbers thus driven to levy contributions on the public must have been considerable, and would grievously augment the evil against which legislation had been so long directed. Accordingly, this statute begins by reciting that "idleness and vagabondage is the mother and root of all thefts, robberies, and other evil acts and mischiefs, which the king and parliament hath often with great travail endeavoured to repress; but

1547.
1 Edward
VI. cap. 3.

Idleness
and vaga-
bondage.

¹ See *ante*, pp. 114 and 121.

owing to the foolish pity of them which should have seen the laws executed, the said goodlie statutes have hitherto had small effect, and idle and vagabond persons, unprofitable members, or rather enemies of the common wealth, have been suffered to remain and increase, who, if they should be punished by death, whipping, imprisonment, or with other corporal pain, it were not without their deserts; yet if they could be brought to do service, it were much to be desired." All statutes heretofore made for the punishment of vagabonds and sturdy beggars are then repealed; and the Act proceeds to establish a series of punishments for idle vagabonds,—“whether man or woman, not being lame, impotent, or so aged or diseased with sickness that he or she cannot work.” Every loitering and idle wanderer, who shall refuse to apply himself to honest labour, or to work for wages, or for his meat and drink, or who shall run away from work he has agreed to perform, is to be taken for a vagabond; and if he continue idle and refuse to labour, or run away from work set him to perform, he is to be branded with the letter V, and be adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat; and caused to work in such labour, “how vile soever it be, as he shall be put unto, by beating, chaining, or otherwise.” If he run away within the two years, he is to be branded in the cheek with the letter S, and adjudged a slave for life; and if he run away again, he is to suffer death as a felon.

Punish-
ment of
loitering,
idle wan-
derers.

“The loitering and idle wanderer,” if no man demanded him, is to be examined by any justice of peace who might happen to espy him; and if it shall appear that he had been an idle vagrant and vagabond the space of three days, the justice is to cause the letter V to be branded on his or her breast with a hot iron, and then to send him to the place where he was born,

there to be compelled to labour in chains or otherwise on the highways, or at common work, or from man to man, as the slave of the inhabitants, who are to set and keep him at work, upon pain of forfeiting, for every three days the slave shall be idle by their default, £5 if a city, £2 if a borough, and for a town or village 20s. If it appeared that he was not really born in the place of which he represented himself as being a native, he is to be branded in the face and remain a slave for life. And it is further ordered, that the master of any slave may put a ring of iron about his neck, arm, or leg, "for the more knowledge and surety of keeping him."

The Act further provides, that a young beggar, or the child of a beggar, whether it be male or female, between the ages of 5 and 14, "idly wandering about as a vagabond," may be taken by any manner of person from any such beggar, "being the mother, nurser, or keeper thereof, whether they be willing or not"; and upon the person's promising before a justice of peace to bring the child up in some honest labour or occupation, the justice may adjudge the said child to be servant or apprentice to the person so promising, until it reach the age of 20 if a woman-child, and until 24 if a man-child; and if any child so adjudged shall run away from such master or mistress, the child may be taken again and punished in chains or otherwise, and be used in all points as a slave for the time above specified; and the master or mistress is then empowered "to let, set forth, sell, bequeath, or give the service and labour of such slave-child to any person or persons whomsoever he will." Slaves, or children so adjudged, wounding their master or mistress in resisting their corrections or otherwise, or either before or after they are set free conspiring to do them mischief of any kind, are "to suffer the pains of death as in case of felony"; or else, if the master or mistress, or

The children of beggars and idle wanderers.

any other person, be willing to take them, they are to become to such persons slaves for life.

Aged and
impotent
poor.

Provision is likewise made in this Act for the care and relief of the aged, infirm, and impotent poor, and for preventing their wandering and begging out of their own districts, not differing materially from what was ordained by 22 & 27 Henry VIII.,¹ except only that it is more strictly enjoined that such of this description of poor as are capable of doing anything shall be kept at work, and also, that beggars not belonging to the district are directed to be sought for by the mayors, sheriffs, constables, and other officers, under a penalty of 40s. for every default, and conveyed to the place where born or where most conversant, to be there kept and nourished of alms; and the curate of every parish is enjoined, "according to such talent as God has given him," to exhort his parishioners to remember the poor according to their means, and the need there be for their help.

This statute was repealed two years afterwards, and now deserves attention chiefly on account of its exhibiting the ruthless spirit which had been called forth in the country by the spread of mendicancy and vagabondage, and which influenced the legislature to pass so stern and repulsive a law.

1549-50.
3 & 4
Edward
VI. cap. 16.

It is clear that such extreme severity was soon found to be wrong, for 3 & 4 Edward VI. cap. 16, recites, as a reason for repealing the above statute, "that the good and wholesome laws of the realm had not been put in execution because of the extremity of some of them. The 22 Henry VIII. cap. 12, is then revived, and its provisions "concerning how aged and impotent persons should be ordered for their better relief, and how vagabonds and strong beggars should be punished, and every matter, article, proviso, and sentence therein contained are established, and from

¹ *Ante*, pp. 114 and 121.

henceforth are to stand in full strength and virtue as a perfect Act of Parliament for ever." The directions for removing the aged, impotent, and infirm poor to the place of birth or last residence, and for keeping at work such of them as are able, are again enacted; and if they refuse to work, or run away, or beg in other places, they are then "to be punished with stocking, beating, or otherwise, as shall seem convenient."

In the following year 5 & 6 Edward VI. cap. 2, was passed, with the professed object and intention—"that valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed." By this statute that of the year preceding, and the Act of 22 Henry VIII. cap 12,¹ are confirmed, and commanded to be justly and truly put in execution. The Act then directs that in every city, town, and parish, a book shall be kept by the parson, vicar, or curate, and the churchwardens, containing the names of the householders, and of the impotent poor; and that the mayor and head officers in towns, and the parson and churchwardens in every parish, shall yearly, in Whitsun week, "openly in the church, and quietly after Divine service," call the householders and inhabitants together, and shall elect and appoint two able persons or more to be collectors of the charitable alms of the residue of the people for the relief of the poor. And the Sunday next, or Sunday following, when the people are at church, "the said collectors shall gently ask and demand of every man and woman what they of their charity will give weekly towards the relief of the poor, and the same is to be written in the same book. And the collectors shall justly gather and truly distribute the same charitable alms weekly to the said poor and impotent persons, without fraud or covine, favour or affection, and after such sort that the more impotent

1551-52.
5 & 6
Edward
VI. cap. 2.

Collectors
of alms for
the relief of
the poor.

¹ *Ante*, p. 115.

Collectors
to account
quarterly.

may have the more help, and such as can get part of their living have the less, and by the discretion of the collector to be put in such labour as they be able to do; but none are to go or sit openly begging, upon pain limited in the aforesaid statute." If any person, being able, shall obstinately and frowardly refuse to give towards the help of the poor, or wilfully discourage others from so charitable a deed, the parson and churchwardens are gently to exhort him, and, if he will not be so persuaded, then the bishop is to send for him, to induce and persuade him by charitable ways and means, and so to take order according to his discretion. No person elected and nominated to the office of collector is permitted to refuse to execute the same for one whole year, upon pain of forfeiting twenty shillings to the alms-box of the poor. And the collectors are to account quarterly to the town and parish authorities, at which accounting "such of the parish as will may be present."

This is the last statute passed in Edward's reign having immediate reference to the poor, and it leaves the law nearly as it was at his accession, the chief difference being an improved organisation for collecting alms and distributing relief, the necessity for which, in the absence of any established provision, had now seemingly become urgent. The officers designated for this purpose have a close resemblance to the overseers of the poor not long afterwards appointed in every parish, of whom these collectors may be regarded as the precursors.

There were, however, other Acts in Edward's reign which, although not bearing directly upon the poor as a separate class, affected them in common with the rest of the community, and exercised a considerable influence on the social condition of the people, and to these we will briefly advert.

The first is entitled "An Act touching Victuallers

and Handicraftsmen" (2 & 3 Edward VI. cap. 15). It recites, that "sellers of victuals, not contented with moderate and reasonable gain, have conspired and covenanted together to sell their victuals at unreasonable prices"; and likewise, that "artificers, handicraftsmen, and labourers, have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle one with another's work, or perform and finish that another hath begun; but also to appoint how much work they should do in a day, and what hours and times they shall work, to the great hurt and impoverishment of the king's subjects." All such combinations are now declared to be illegal, and the parties joining in them are, for the first offence, subjected to a penalty of £10, or imprisonment for twenty days; for the second offence, to a penalty of £20, or the pillory; and for a third offence, to a penalty of £40, or pillory with the loss of his ears; and also "shall at all times afterwards be taken as a man infamous, and his depositions or oath not to be credited." We here see that there were combinations of workmen at that time, as there have been in later days, and that it was found necessary to put them down by penal enactment. But as respects the selling of victuals, legislative interference could not have been needed; for any combination of sellers to demand unreasonable prices would naturally bring about its own correction. If the prices were so high as to yield a return above the usual rate of profit, other competitors would come in, and the equilibrium would be restored, a free and open market being all that is required for adjusting the prices of commodities.

With respect to the "artificers, handicraftsmen, and labourers," if their combining was occasioned by their wages being at that time unduly depressed below what, as free men, they were reasonably entitled to demand, they would doubtless be warranted in agreeing or com-

1548.
2 & 3
Edward
VI. cap. 15.

Combina-
tion of
workmen
and others
prohibited.

binning together for the purpose of obtaining an increase, provided it were done without violence or intimidation of any kind. It is essential that both parties should be left entirely free, each working-man to dispose of his labour on such terms as he deems most advantageous, either singly or conjointly with others; and every master to employ whomsoever he pleases, and on such terms as he may choose or be able to make. The combinations now prohibited were not so conducted. It appears that restrictions were imposed by the artisans themselves, prescribing who should and who should not work, the quantity of work which each man should perform, and the particular times he should be employed. This was an unwarrantable interference with the freedom to which every man is entitled, and it was necessary for the protection of all parties that it should be prohibited; and for none was it more necessary than for the workmen themselves, who are always the greatest sufferers on such occasions. Combination is a two-edged weapon, which cannot be wielded without danger. It may prove fatal to both parties, and is sure to injure the weaker, that is the working men; who often, nevertheless, in disregard of this fact, allow themselves to be led on by restless and uneasy spirits of their own class, until they find themselves entangled in engagements from which they cannot escape, and which in the end entail heavy penalties upon themselves and their families.

Effects of
combina-
tions.

1551-52.
5 & 6
Edward VI.
cap. 5.

In 1551 the old alarm about the conversion of tillage land into pasture¹ was revived, and 5 & 6 Edward VI. cap. 5, was passed "for the maintenance and increase of tillage and corn." It recites that tillage has of late been much decayed, by such as have converted, to pasture, lands usually put in tillage; and it enacts that "as much land or more shall be put wholly in tillage, and used and sown according to the custom

¹ *Ante*, pp. 95 and 112.

of the country and nature of the ground, and so shall be continued and used for tillage and sowed for ever, by the owners, farmers, or occupiers thereof, as was or hath been put in tillage in any one year since the first year of King Henry the Eighth,"¹ upon pain of forfeiting five shillings annually for every acre not so put and kept in tillage; and commissioners are appointed to see that the Act is obeyed. It had not yet been proved that matters of this nature are best left to the discretion of the parties interested, and that legislative interference on such occasions is either useless or mischievous. The anxiety manifested for increasing the supply of corn shows, however, that the consumers of corn had increased in number, or else that each required a larger quantity. In all probability both causes existed at this time. Population had increased, the people lived better, and their general condition was improved.

In the same year 5 & 6 Edward VI. cap. 22, was passed "for the putting down of gigge-mills." It states in the preamble that certain mills called "gigge-mills" are newly devised, erected, and used in many parts of the country, for the perching and burling of cloth," by reason whereof the true draperie of this realm is wonderfully impaired, and the cloth thereof deceitfully made." It is therefore directed that such mills shall not be used, under a penalty of £5 "for every cloth wrought in or by any of the said mills called gigge-mills." The reason assigned for this prohibition is the injury caused to the manufactured article. If this were really the case, and that the character of our woollens in the markets of the world was injured by the use of these mills, there would be ground for the prohibition, our woollen manufacture being at that time the great staple of the country, and affording the means of subsistence to a large number of the people. But the prohibition is more likely to have

1551-52.
5 & 6
Edward VI.
cap. 22.
Gigge-mills
prohibited.

¹ 1509 A.D.

originated in a fear of machinery's interfering with manual labour, on which account it is noticed here. Such fears have existed with respect to almost every kind of machinery or new invention, and have often occasioned great mischief through the misguided violence of the operative classes, who are nevertheless always gainers by these improvements in the end.

1548.
2 & 3
Edward VI.
cap. 1.

Book of
Common
Prayer
ordained.

In the second year of Edward's reign, "The Act for the Uniformity of Service and Administration of the Sacraments" was passed. This Act was at that time so necessary for quieting the public mind on the subject of religion, that its importance can hardly be over-estimated. Cranmer, the archbishop of Canterbury, and certain of the bishops and other learned men, were appointed "to consider and ponder the premises, having as well an eye and respect to the most sincere and pure Christian religion taught by Scripture, as to the usages in the primitive Church, and to draw and make one convenient and meet order, rite, and fashion of common and open prayer and administration of the sacraments, to be had and used." The Book of Common Prayer was accordingly framed, and laid before the lords spiritual and temporal, and commons in Parliament assembled, who, considering "the godly prayers, orders, rites, and ceremonies in the said book, and the considerations of altering those things which be altered, and retaining those things which be retained," do pray that it may be ordained and enacted, and that all ministers in cathedrals and parish churches or other places, shall be bound to use the services in such order and form as is mentioned in the said book, and none other. This was accordingly done, and copies of the Book of Common Prayer were ordered to be placed in every church, at the cost of the parish. The passing of this Act, and the distribution throughout the country of so beautiful and comprehensive a form of public worship, in which the people were themselves

to take a part, must have fallen like oil upon the troubled waters, and helped to still the jarring elements of religious controversy.

Edward died on the 6th of July 1553, at the early Death of Edward VI age of sixteen, to the great grief of the nation; and he was succeeded by his eldest sister, the princess Mary, then in her thirty-seventh year. The first Act of Accession of Mary. 1553. Mary's reign was to assert her own legitimacy; the second, to repeal all the innovations in the religious service made by her predecessor; and the third, to provide for the punishment of persons disturbing licensed preachers in their sermons, or priests while performing mass. "The queen, in fact, and those around her, acted and felt as a legitimate government restored after an usurpation, and treated the recent statutes as null and invalid. The Latin Liturgy was restored, the married clergy expelled from their livings, and many Protestant ministers thrown into prison for no other crime than their religion, even before any change had been made in the established laws."¹ In the same year, 1 Mary, cap. 12, was passed against rebellious assemblies. It directs, that if any persons, 1553. 1 Mary, cap. 12. to the number of twelve or above, shall assemble and go about to alter or change any laws established for religion, and being commanded by the sheriff, or any justice of peace, or the mayor of any corporate town, to retire to their own homes, shall in riotous manner remain and continue together one whole hour after such commandment, they shall be adjudged felons, and suffer execution of death as in case of felony.

The insurrection under Sir Thomas Wyatt broke out in January of the year following (1554), professedly against the queen's intended marriage with Philip of Spain, which in the people's minds was identified with the re-establishment of popery. The insurrection was, however, speedily suppressed, and the marriage took 1554-55. 1 & 2 Philip and Mary, cap. 3.

¹ See Hallam's *Constitutional History*, vol. i. p. 41, 4th edition.

place on the 25th of July following, that being the festival of St. James, the patron saint of Spain. Shortly afterwards an Act was passed "against seditious words and rumours," by which a penalty of £100, or else the pillory and loss of ears, was enacted against any person who shall utter seditious slanders against the king or the queen. Persons repeating the same are to suffer the loss of one ear, or pay a fine of a hundred marks, and be imprisoned one month; and any person writing against the king or queen is to suffer the loss of his right hand. An Act was likewise passed "repealing all statutes, articles, and provisions made against the See Apostolick of Rome," and announcing the arrival of Cardinal Pole as Legate from the Pope, whose pardon of England and the English people is said to have been obtained through the intercession of the king and queen. These enactments throw light upon the state of religious feeling at that time, and prove that the queen's zeal in favour of "the old religion," as it was called, was not responded to by the country, but, on the contrary, that a strong feeling existed in favour of the reformed doctrines and ritual established in the last reign, the abrogation of which was opposed to the wishes of a large section of the people. The jealousy and dislike of popery were, no doubt, greatly increased after the Spanish marriage, which it was feared would tend to reimpose the chains of the papacy; and these feelings kept on increasing throughout the whole of Mary's reign, being continually fed by the persecution to which Protestants of every denomination were subjected.

The 5 & 6 Edward VI. cap. 2, for "putting down valiant beggars," and for relieving those "who are poor in very deed,"¹ was continued by 1 Mary, cap. 13; and by 2 & 3 Philip and Mary, cap. 5, the 22 Henry VIII. cap. 12,² and the above-named

1554-55.
1 & 2 Philip
and Mary,
caps. 8, 9,
and 10.

1555.
2 & 3 Philip
and Mary,
cap. 5.

¹ *Ante*, p. 133.

² *Ante*, p. 115.

statute of Edward, are both confirmed and continued, subject to the amendments then made. The first of these amendments regarded the collection of alms. It is now enacted, that yearly on some one holy-day in Christmas, in every city, borough, and town corporate, the mayor, bailiffs, or other head officers, and in parishes the parson, vicar, or curate, and the churchwardens, having a register of the names of the inhabitant householders, and of all such impotent, aged, and needy persons as are not able to live of their own labour, shall openly in the church, after divine service, call the inhabitants together, and shall appoint two able persons collectors of the charitable alms for the relief of the poor; which collectors, the Sunday next after their election, or the Sunday following, when the people are at church, shall gently demand of every man and woman what they of their charity will be contented to give *weekly* towards the relief of the poor; and the said collectors shall justly gather and truly distribute the same charitable alms *weekly* to the said poor and impotent persons, in such manner that the more impotent may have the more help, and such as can get part of their living may have less, and be put to such labour as they are able to do: "but none are to go or sit openly a begging, upon pain limited in the aforesaid statutes." And if any person, being able, shall obstinately refuse to give towards the help of the poor, or shall discourage others from so doing, the parson and churchwardens shall gently exhort him, and, if he will not be persuaded, then the bishop shall send for him, and "take order for the charitable reformation of every such obstinate person." It is also directed, that if any parish has more poor than it is able to relieve, upon certifying the number and names of the persons with which it is overburthened to two justices of peace, they may grant to as many of such poor folk as they think good "a licence to go abroad

Weekly collections for the poor.

to beg and receive charitable alms out of the said parish, in which licence the places to which such poor folk may resort shall be named; and if any of them transgress the limits so to them appointed, or beg at other places than are named in the licence, the party so transgressing is to be taken for a 'valiant beggar,' and punished according to the statute 22 Henry VIII.,¹ and the licence taken from him." Moreover, such licensed beggars are to wear openly, on the breast and back of their outermost garment, some notable badge or token to be assigned by the parish authorities, with the assent of the justices.

1556.
4 & 5 Philip
and Mary,
cap. 9.

This Act was to endure only to the end of the next session of parliament, but it was renewed by 4 & 5 Philip and Mary, cap. 9, on the ground that it had been found "good and beneficial for the common wealth of this realm." It does not differ materially from 5 & 6 Edward VI. cap. 2,² but it is a little more full and explicit in its provisions. It likewise enables justices to grant permission for poor persons to go abroad to beg, in cases where a parish is overburthened with poor, which may be regarded as equivalent to a rate in aid; and it also establishes the practice of badging the poor. Neither of these provisions are contained in the statute of Edward.

1554-55.
1 & 2 Philip
and Mary,
cap. 2.

There are two or three other Acts of Mary's reign which bear indirectly upon the condition of the people, and exemplify the spirit of the period. Thus by 1 & 2 Philip and Mary, cap. 2, another attempt is made "for the reformation of excess in apparel," and all persons not being the son and heir of a knight, or not worth £200 in goods, or not having £20 a-year in land, offices, fees, or other revenues, are prohibited wearing "any manner of silk in or upon their hat, bonnet, nightcap, girdle, hose, shoes, scabbard, or spur-leathers, on pain of three months' imprisonment,

¹ *Ante*, p. 115.

² *Ante*, p. 133.

and a fine of £10 for every day's wearing contrary to the tenour of this Act." Women may, however, wear in their caps, hats, girdles, and hoods, as they before might lawfully use and wear. Persons keeping servants, and permitting or conniving at their wearing silk contrary to this Act, are subjected to the heavy fine of £100. We may hence infer, that people of the middle class, as they increased in wealth and attained a higher social position, were desirous of making a better and gayer appearance in their clothing—in short, that, as Hamlet says, "the toe of the peasant came so near the heel of the courtier that he galled his kibe."

By 1 & 2 Philip and Mary, cap. 4, the statute of Henry the Eighth against the gipsies,¹ or persons calling themselves Egyptians, is revived. It is declared in the preamble, "that divers of the said company, and such other like persons, not fearing the penalty of the said Act, have come over again into this realm, using their old accustomed devilish and naughty practices, with such abominable living as is not in any Christian realm to be permitted, named, or known." A fine of £40 is then imposed on any person bringing over any such Egyptians; and any of them who may have been so brought, and remaining a month, are declared felons. The inducements must have been very strong to lead to their "coming over" in the face of such a penalty.

1554-55.
1 & 2 Philip
and Mary,
cap. 4.

The 1 & 2 Philip and Mary, cap. 5, is directed to restrain the exportation of corn and provisions of any kind, under penalty of forfeiting double the value of the commodities exported, and one year's imprisonment of the master and mariners of the exporting vessel. The price of wheat this year, according to Sir Frederic Eden's table, advanced from the statutory exportation price of 6s. 8d. a quarter, to 16s. a

1554-55.
1 & 2 Philip
and Mary,
cap. 5.

Prices of
wheat.

¹ *Ante*, p. 114.

quarter; and the year following it advanced from 8s. at the commencement to 25s. a quarter in the latter end of the year. These enormous fluctuations must have caused much distress. To a steady continuous range of prices, the rate of wages will probably in the long-run conform; but any sudden and great advance does not admit of such conformity, and will therefore entail more or less privation and suffering on the working classes.

1555.
2 & 3 Philip
and Mary,
cap. 2.

In the following year an Act was passed (2 & 3 Philip and Mary, cap. 2), entitled "An Act for the re-edifying of decayed Houses of Husbandry, and for the Increase of Tillage." It recites and confirms 4 Henry VII. cap. 19,¹ which is declared to be "good and profitable to the common wealth"; and it then declares that the Act shall extend to houses having 20 acres or more of land attached, "whether the same or any part thereof be, hath been, or shall be, used or put in tillage, or not," and commissioners are appointed to inquire and take surety from offenders, and to take order for re-edifying decayed houses, and for reconverting land into tillage, at their discretion. This is immediately followed by another Act (cap. 3) for "the keeping of cows and breeding of calves," which recites that "of late years great numbers of persons have laid their lands, farms, and pastures to feeding of sheep, oxen, runts, and such-like cattle, having no regard or care to breed and rear up young beasts, whereby is grown great scarcity of cattle and victual necessary for the sustenance of divers sorts of people; and more is like to be, if speedy remedy be not provided." It is then enacted, under a penalty of twenty shillings, that one milch cow shall be kept for every threescore sheep, and one calf be reared for every six-score sheep; and for every ten oxen or other beasts one milch cow shall be kept, and a calf be reared in

1555.
2 & 3 Philip
and Mary,
cap. 3.

¹ *Ante*, p. 95.

the proportion of one for every two cows annually. This "scarcity of victual," notwithstanding the conversion of arable land into pasture immediately before complained of, seems to indicate increased demand for rather than a decrease in the supply, as is assumed by the framers of the Act. The people earned more, and were enabled to consume food of higher price and quality, and hence probably the apparent deficiency which the above legislation sought to remedy.

There does, however, appear to have been a general increase in money prices during the preceding half-century, partly occasioned perhaps by the influx of the precious metals from the New World. On referring to Sir Frederic Eden's table of prices, we find, in 1500, the price of an ox set down at 11s. 8d. In 1511, 13s. 4d. is given as the price of a fat beeve, and 8s. as the price of a lean one. In 1531 the price of a large ox is £1, 6s. 8d.; and in 1551 a best fat ox is set down at £2, 13s. 4d., a middling one at £2, 3s. 4d., and an inferior one at £1, 13s. 4d. These prices are, of course, not to be regarded as an accurate measure of the alteration which had taken place, so much depending on the size and condition of the animals; but they warrant the conclusion that there was an actual increase of price within the above period, and this is confirmed by an examination of other items in these tables. Thus, a wether sheep, unclipped, is valued at 1s. 8d. in 1500; in 1529 a wether is valued at 2s. 4d.; and in 1551 the price of a best lean sheep is set down at 3s. 4d., and a best fat sheep at 5s.—the inferior sort, of each being valued at 2s. and 3s. respectively. In 1500 the price of a goose is 4d.; of a dozen pigeons, 4d.; and of a hundred eggs, 6d. In 1541 it is for a goose, 7d.; for a dozen pigeons, 10d.; and for a hundred eggs, 1s. 2d. The price of wheat within this period exhibits extraordinary variations.—Thus, in 1500 it was 3s. 4d. a quarter; in 1501 it

General
increase of
prices.

was 6s. 8d. and 7s. 4d.; in 1504 it was 5s. 8d.; in 1511 it was 6s. 8d.; in 1516 it was 6s. and 10s. 8d.; in 1521 it was 20s. and 26s. 8d.; in 1527 it was 15s. and 20s.; in 1528 it was 26s. 8d. and 9s. 6d.; and in 1530 it fell to 5s. 4d. and 6s. 5d. It rose again in 1537 to 13s. 4d.; in 1541 to 18s. 8d.; and in 1544 to 25s. 4d. In 1550 it was 13s. 4d.; and in 1551 it sunk to 8s. In 1552 it was 21s. and 14s.; but in 1553 it again fell to 8s., and so continued, without material variation, till the latter end of 1555, when it was for a short time at 25s. In 1556 the price of wheat ranged from 8s. the quarter in the early part of the year, to 53s. 4d. before harvest, and 5s. the quarter immediately after harvest.

If the extreme variations above indicated be regarded as referable to unproductive seasons, and therefore exceptional, the average price at the commencement of the half-century may, as has been stated,¹ be taken at 6s. the quarter, and at the end of it at 10s. This is probably about the ratio of increase in the price of commodities generally during the period, which may be considered as being fully one-half in excess of what it was at the commencement of the century. But with regard to these prices, Sir Frederic Eden, in a note at the foot of his table, observes, that "in noting the money prices of provisions about this time, it should be remarked that this year (1550) the shilling was reduced by proclamation to sixpence, as the coin had been much diminished by clipping." This would be another element of disorder in estimating the change, the precise amount of which it is now impossible to ascertain, for the proclamation seems only to have given a sanction to that change in the value of the coin which had already taken place; but when or how long the change had been in progress, does not appear.

¹ *Ante*, p. 110.

The chief or leading circumstance of Mary's reign, at the end of which we are now arrived (she died on the 17th November 1558), was her unceasing endeavour, from the hour she ascended the throne, to put down every vestige of the Reformation. No effort was spared for the accomplishment of this object. Means the most cruel, and which earned for her the unenviable title of "Bloody Queen Mary," were resorted to, to alarm the timid and to punish the obstinate; and the struggle ended, as such struggles for the most part have ended, in strengthening that which it was endeavoured to destroy. What might have been the condition of this country if the efforts made in Mary's reign to restore the Roman Catholic religion had been successful, it is impossible to say; but it may be assumed as in the highest degree probable, that the public spirit, intelligence, and advancement of every kind, social, moral, and religious, which sprang, as it were, into life immediately after the final settlement of the Reformation under Elizabeth, would not have taken place. The restrictive influence of the Church of Rome would most likely have prevented it.

1558.
Death of
Mary.

At Mary's accession, nearly half the people were perhaps more or less favourable to the old religion, or at least, were not very unwilling to follow their queen in adopting it; and before the end of the first year, the kind of popularity which usually attends a new sovereign, together with efforts made and the influences used, may be said to have neutralised all that had been done for the Reformation in the time of Edward VI. The subsequent Acts of Mary's reign may therefore have been necessary for showing the people the real character of that religion. If Mary had been less of a bigot, less zealous in punishing those whom she regarded as heretics or schismatics, the final and nearly unanimous establishment of our Reformed National Church might not have taken place under her

successor. Such indeed seems to be the view taken by Mr. Hallam, who, in commenting on the Reformation, observes, "But what had the greatest efficacy in disgusting the English with Mary's system of faith, was the cruelty by which it was accompanied. A sort of instinctive reasoning told the people, what the learned on neither side had been able to discover, that the truth of a religion begins to be very suspicious when it stands in need of prisons and scaffolds to eke out its evidences. Under Mary, many are said to have become Protestants, who, at her coming to the throne, had retained the contrary persuasion; and the strongest proof of this may be drawn from the acquiescence of the great body of the kingdom in the re-establishment of Protestantism by Elizabeth, when compared with the seditions and discontent on that account under Edward." Thus a great positive good was worked out of a great apparent evil, by a series of opposing influences, such as are often called into action by Divine Providence for its own beneficent purposes; and we of the present day are reaping the fruits.

CHAPTER IV

A.D. 1558-1603

Accession of Elizabeth—First compulsory assessment—Service and wages—Sturdy beggars—Aged and infirm poor—Overseers—Bastardy law—"Collectors and governors"—Houses of correction—"Censors and wardens"—Gipsies—Exportation of corn—Preservation of game—Regulation of buildings—Vagrancy in London—Overseers of the poor—Rate in aid—Liability of parents and children—Rogues, vagabonds and sturdy beggars—Scotch and Irish vagrants—Shipwrecked mariners, etc.—Progress of legislation—Provisions of 43 Elizabeth—The Reformation—Progress of legislation with respect to the poor—State of the country—Condition of the people—Prices of provisions—Rates of wages—Social improvement—Death of Elizabeth.

ELIZABETH was in her twenty-fifth year when she succeeded to the throne (November 17th, 1558), and from an early age she had given promise of the superior talent by which she was afterwards distinguished. She was known to favour the Reformation, and all who held to that persuasion hailed her accession with delight. The first Act of her reign was the assertion of the supremacy of the Crown in matters ecclesiastical, and "abolishing all foreign power repugnant to the same." By the second Act, the Book of Common Prayer and Administration of the Sacraments, of the time of Edward VI., was re-established. The third Act formally recognised the queen's title, and the fourth the restitution of tenths and first-fruits to the Crown.

Queen
Elizabeth.
1558-1603.

These Acts were sufficiently indicative of a determination to prevent papal interference in England; but the Roman Catholics were still numerous, and after a time began to manifest discontent, and to stir

up apprehensions and alarms among the people. Throughout the whole of her reign, indeed, the queen was disturbed by adverse intrigues in this quarter; and hence it may be truly said, that the legislative and other proceedings against the Romanists, partook more of a political than a religious character. "The position in which the queen was placed no doubt rendered her death a most important contingency, and the popish party made use of pretended conjurations and prophecies of that event, in order to unsettle the people's minds, and dispose them to anticipate another reaction."¹

1562-63.
5 Eliz.
cap. 15.

Against such practices, 5 Elizabeth, cap. 15, was directed. It imposed a penalty of one year's imprisonment and a fine of £10 for a first offence, and for a second offence imprisonment for life and the forfeiture of goods. Acts against the introduction "of Bulls and other Instruments from the See of Rome," and against "Jesuits and Seminary Priests and other like persons," and against "Popish Recusants," were subsequently enacted. But these and several measures originated in political considerations, and were directed against the enemies of the then established government; which accounts for, and in some degree excuses, the acts of severity, and even cruelty, occasionally exercised towards the Romanists, who throughout Elizabeth's reign omitted no opportunity of exciting troubles both at home and abroad, and by whose continual machinations the queen's life was believed to be put in jeopardy.

The foregoing notices of what took place, with regard to religion in the present and two preceding reigns, will render it unnecessary to advert again to the subject, whilst passing in review the statutes for relief of the poor, or affecting the condition of the people; and these we will now proceed to consider.

¹ Hallam's *Constitutional History*, vol. i. p. 113.

In 1562 another Act¹ was passed "for the Maintenance and Increase of Tillage," the alarms about the conversion of arable land to pasturage not having yet subsided. The statutes of Henry the Seventh and Henry the Eighth² on this subject are in this Act recited and confirmed. Lands tilled four years successively at any time since the twentieth year of Henry the Eighth, are to be kept in tillage, under a penalty of 10s. per acre; but there is a proviso in favour of "such as shall be a common fatter of beefs or muttons to be sold in markets and fairs, or common butchers." This exception makes it difficult to understand to whom the Act would apply, and almost warrants the supposition that it was inserted for the purpose of rendering the Act nugatory.

The 2 & 3 Philip and Mary, cap. 5, for the relief of the poor,³ was continued in the first year of Elizabeth's reign by cap. 18; and after an interval of five years the subject again came under consideration, and an Act was passed comprising whatever the information and intelligence of the day could further devise on the subject. This Act, 5 Elizabeth, cap. 3, has the same preamble as the last statute of Edward the Sixth, and that of Philip and Mary; and the former statute, together with that of 22 Henry VIII. cap. 12,⁴ it expressly confirms. The Act then, nearly in the words of 2 & 3 Philip and Mary, provides for the appointment of collectors of alms, and for licensing the poor to beg in cases where a parish is overburthened, and also requiring the beggars so licensed to wear badges. It then in like manner provides, that if any person, being able, shall refuse reasonably to give towards the help and relief of the poor, he is to be gently exhorted and persuaded thereto by the clergy and the churchwardens.

1562-63.
5 Eliz.
cap. 2.

1562-63.
5 Eliz.
cap. 3.

¹ The last was, 2 & 3 Philip and Mary, cap. 2, *ante*, p. 144.

² *Ante*, pp. 95 and 112.

³ *Ante*, p. 140.

⁴ *Ante*, p. 115.

It would appear, however, that hitherto the gentle askings of the collectors, and the exhortations of the clergy and the churchwardens, and the charitable "ways and means" of the bishop, had all alike failed to induce the people to contribute "according to their means"; and the time seems to have arrived when, voluntary charity having failed, compulsion of some kind must be resorted to, in order to provide means of relief for "the impotent, feeble, and lame, which are the poor in very deed." Accordingly this statute (5 Elizabeth, cap. 3) enacts, that after due exhortation and persuasion, first by the parson and churchwardens of the parish, and next by the bishop, "if any person of his froward or wilful mind shall obstinately refuse to give weekly to the relief of the poor, according to his ability," the bishop shall have authority to bind him under a penalty of £10 to appear at the next sessions, when the justices are again to "charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor"; and if he will not be persuaded therein by the said justices, "they may sesse, tax, and limit upon every such obstinate person so refusing, according to their good discretion, what sum the said obstinate person shall pay"; and if he refuse to pay the sum so limited, taxed, and appointed, the justices, on complaint of the collectors and churchwardens of the parish, may commit the said obstinate person to prison until he pay the same, "together with the arrearages thereof, if any such shall fortune to be."

Persons
refusing to
contribute
may be
assessed
for relief of
the poor.

This is the first instance of a compulsory assessment for the relief of the poor, and it is therefore of marked importance in the history of the Poor Law. It is true that the power to assess and tax can only be exercised after a circuitous process of exhortation and persuasion, by the churchwardens, the parson, and the bishop; and upon their failure of success, and the same being

certified to the justices, these last are likewise to try persuasion before they resort to compulsion. Still, after all these preliminaries have been gone through, the justices are empowered to assess and levy, "according to their good discretion," from all those who refuse voluntarily to contribute towards the relief of the poor; and the important principle that property is thenceforward to be held subject to the needful relief of the destitute, is thus formally sanctioned by the legislature.

At the same time with the above Act "for the relief of the poor," another was passed (5 Elizabeth, cap. 4), entitled "An Act touching divers orders of Artificers, Labourers, Servants of Husbandry, and Apprentices." This Act has been considered as in some sort a continuation of the preceding Act (cap. 3), although it makes no express reference to the poor as such, but rather aims at preventing destitution and mendicancy, by forcing employment upon every one of age and ability to work. It is in fact compounded of all the preceding enactments on the subject of labour, those provisions deemed useful being retained, others modified, and the rest repealed. The preamble states, that, although there are a great number of statutes concerning wages, servants, labourers, and apprentices, as well in husbandry as in other occupations, yet partly owing to the number, imperfection, and contrariety of these laws, and chiefly that the wages limited are in divers instances too small, and not answerable to this time on account of the great advancement of prices, the law cannot, without great grief and burthen to the poor labourers and servants, be put in execution, although the said laws were at the time of making them thought to be good and beneficial, as divers of them yet are—wherefore, if the substance of as many as are meet to be continued shall be reduced into one sole law and statute, and an

1562-63.
5 Eliz.
cap. 4.

uniform order prescribed concerning the wages and other orders for apprentices, servants, and labourers, there is declared to be "good hope that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in time of plenty, a convenient portion of wages."

Certain
persons
compelled
to serve.

The Act then, in accordance with this preamble, ordains that every unmarried person, and every married person under thirty, not having 40 shillings per annum nor being otherwise employed, shall be compelled to serve as a yearly servant in the trade to which he was brought up; and none are permitted to quit such service, or be dismissed therefrom, during the year, unless on cause allowed by two justices; and after any such quitting of service none are to leave the town or parish in which they served without a testimonial under the corporate seal, or else signed by a constable or other head officer, and by two other honest householders. Every servant departing without such testimonial, or refusing to produce it, is subjected to imprisonment, and any master who retains him is made liable to a penalty of £5. All persons between the ages of twelve and sixty are moreover, if not otherwise employed, "compelled to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required"; and unmarried women between the ages of twelve and forty, may be compelled to serve by the year, week, or day, for such wages, and in such reasonable sort and manner, as shall be deemed meet, under penalty of commitment.

The hours of work, and the time for meals, are likewise prescribed, and the rates of wages to be paid to the several artificers, servants, and labourers, are required to be ascertained and settled annually by the

justices in sessions assembled, who are to “call unto them such discreet and grave persons as they shall think meet, and after conferring together respecting the plenty or scarcity of the time, and other circumstances necessary to be considered,” they are authorised to limit, rate, and appoint the wages “of all servants, labourers, artificers, workmen, or apprentices of husbandry as they shall think meet, by the year or by the day, week, month, or otherwise, with meat and drink, or without meat and drink; and what wages every workman or labourer shall take by the great “for mowing, reaping, or thrashing of corn, and for mowing or making of hay, or for ditching, paling, railing, or hedging, by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labours or service”: and the said justices are further directed to certify the same, with the considerations thereof, under their hands and seals, “into the queen’s most honourable Court of Chancery, before the 12th of July in every year,” to be approved by the Privy Council, and then proclaimed by the sheriffs. And in order to ensure the observance of the wages so settled and proclaimed, penalties are imposed on any one who shall directly or indirectly retain or keep any servant, workman, or labourer, or shall give any greater wages or other commodity than what is set forth in the said proclamation. The giver of excessive wages, is subjected to ten days’ imprisonment and a fine of £5,—the receiver, to twenty-one days’ imprisonment; and all such contracts are declared to be void and of none effect.

Justices
empowered
to fix the
rate of
wages.

By one of the provisions of this Act, every justice of peace, and the constable or other head officer of every township, in the time of harvest, is upon request, and for avoiding the loss of any corn, grain, or hay, empowered to cause all such artificers and persons as be meet to labour, “to serve by the day for the mow-

All persons
compelled
to serve in
time of
harvest.

ing, reaping, shearing, getting, or inning of corn, grain, and hay, according to the skill and quality of the person; and none shall refuse so to do, upon pain to suffer imprisonment in the stocks by the space of two days and one night." The Act contains other regulations specially referable to apprentices and journeymen in several trades and occupations, and the proportions of each to be kept; and also exemptions of certain places from the provisions of the Act in these respects, on the ground of their local customs or privileges.

If it were possible to effect the distribution and to regulate the price of labour by legislative enactment, as the framers of this statute must have believed, the care and pains which they bestowed upon it ought to have ensured success; but we know that such distribution and such regulation are practically impossible. Both the one and the other are essentially governed by the great principle of supply and demand, which legislation may disturb but cannot establish, and which is only safe, certain, and beneficial, when left to its own free unrestricted action. The attempt here made is, however, not without its use, serving as it does to show that the value of labour and of the labouring classes was becoming better understood, and that the importance of the people, and their efforts to free themselves from old usages and restraints crippling their industry, began to be felt, although the master-class were yet ignorant of the true mode of dealing with the newly-awakened impulse.

Ten years after the passing of the above Act, the long, minute, and highly important statute, 14 Elizabeth, cap. 5, was passed. It is entitled "An Act for the Punishment of Vagabonds,¹ and for Relief of the

1572-73.
14 Eliz.
cap. 5.

¹ In a book published in 1566, entitled *A Caveat or Warning for Common Cursetors, vulgarly called Vagabonds*, there is a curious and graphic account of the hordes of idle vagrants who then infested the country. The author classes the male vagabonds under fifteen separate designations, beginning with "the Rufflar" as being "the worthiest of

Poor and Impotent," and it begins in the usual style, by declaring that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to the great annoyance of the common weal." It then expressly repeals the 22 Henry VIII., the 3 & 4 Edward VI., and 5 of the present reign;¹ in fact, it repeals all preceding enactments on the subject, and aims at framing a complete and comprehensive law, as well "for the utter suppressing of the said

1572.
14 Eliz.
cap. 5.

this unruly rabblement." "The Upright Man" is the "second in sect of these raining rabblement of rascals." The third is "the Hooker or Angler," described as a "perilous and most wicked knave." The "Rogue" and the "Wild Rogue" are the fourth and fifth; after which come "the Freshwater Mariners," whose "ships were drowned in the plain of Salisbury"; and so on to the "Counterfeit Crank," of whom it is said, "These that do counterfeit the crank be young knaves and young harlots that deeply dissemble the falling sickness, for 'the crank,' in their language, is the 'falling evil.'" A long account is given of this description of impostors, after whom come the "Dommerar," and lastly the "Jackman and Patricio." The female vagabonds are classed under nine separate designations. But all, both men and women, old and young, are described as thieves by profession, and as living in a most dissolute and licentious manner. They have a slang language of their own, of which the writer gives a curious specimen in a dialogue between two of them; and he further gives a long list of the "most notorious and wickedest walkers that are living now at this present time, with their true names as they be called and known by." Many of the descriptions in this work find parallels in the present day; and indeed it may be regarded as invariably true, that, whatever improvement takes place in the general condition of a people, those in the lowest grade will partake of the improvement in the least degree, if they partake of it at all. The endeavour should therefore be to lessen the number of this lowest class as much as possible, and this it was sought to effect by severity of punishment, as is manifested in the several statutes enacted at that time on the subject. The book is written and set forth by Thomas Harman, Esq., "for the utility and profit of his natural country." Two new editions were published in the following year, and a fourth edition in 1573. The work must therefore have been popular, and the subject one of general interest. There was a reprint of the work in 1814, from which the above is taken. Harrison, in his *Description of Britain*, published in 1586, quotes and comments on Harman's book, and gives extracts from it.

¹ *Ante*, pp. 115, 132, 151.

outrageous enemies to the common weal, as for the charitable relieving of the aged and impotent poor people.”¹

The licence, if not direct encouragement, given to beggars by 2 & 3 Philip and Mary,² and continued by 1 Elizabeth,² had probably by this time produced its natural fruit, and led to a great increase of the class of persons who are not only denounced in the preamble of the present statute as being enemies of the common weal, but against whom the first enactment is specially aimed. It directs that every person above the age of fourteen taken begging, shall be committed to gaol until the next session, at which, “if duly convicted of his or her roguish or vagabond trade of life, he or she shall be adjudged to be grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about,” and this punishment is forthwith to be executed, “except some honest person will of his charity take such offender into his service for one whole year next following”; and if the offender so taken into service shall leave the same before the end of the year, he is to suffer the punishment of whipping and burning through the ear, as at first adjudged. For a second offence, he is to be “taken, adjudged, and deemed in all respects as a felon,” and to suffer as such, unless some honest person will take him into his service for two whole years; and if he depart and leave his service before the expiration of the two years, he is then forthwith to suffer and forfeit as a felon. For a third offence, he is adjudged to “suffer death, and loss of land and goods, as a felon, without allowance of benefit of clergy or sanctuary.”

Beggars
to be
severely
punished.

¹ The Scotch Acts of 1579 and 1661 resemble in scope and bearing this Act and those of 39 Eliz. and 43 Eliz. See *History of Scotch Poor Law*, pp. 60 and 43.

² *Ante*, pp. 140 and 151.

These enactments savour of the spirit which prevailed a quarter of a century previous, when the 1 Edward VI. was passed,¹ and the revival of such extreme severity can only be accounted for by supposing that there had since been an alarming increase of the evils against which legislation was at that time directed. The designation of "rogues, vagabonds, and sturdy beggars," who are subjected to the above penalties, is by this Act defined to include idle persons going about and using subtle craft and unlawful games, and all persons whole and mighty in body, but having neither land nor master, nor able to give an account of how they get their living, and all common labourers using loitering and refusing to work for the wages commonly given. Any person harbouring, or giving money, lodging, or other relief to any such rogue, vagabond, or sturdy beggar, "either marked or not marked," is declared liable to a penalty of twenty shillings; as is also any person who shall bring or cause to be brought from Ireland, Scotland, or the Isle of Man, any rogue, vagabond, or beggar into England; and if any person "do disturb or let the execution of this Act," he is to forfeit five pounds, and be subject to imprisonment at the queen's pleasure.

To harbour or relieve "sturdy beggars" subjects to a penalty of 20s.

After thus enacting punishments of great severity for the vagrant class, and prohibiting the giving them money or other relief, the Act declares that poor aged and impotent persons should be provided for, as well as rogues, vagabonds, and sturdy beggars repressed, and that aged impotent poor people should have convenient abiding-places to settle themselves upon, so that none of them should hereafter beg or wander about—to which end it is directed, that justices of peace, within their respective divisions, are to make "diligent search and inquiry of all aged, poor, impotent, and decayed persons, born within their said

Aged and infirm poor to have abiding-places assigned them.

¹ *Ante*, p. 129.

divisions, or which were there dwelling and living by alms within three years preceding, and make a register-book containing their names; and when the number of such poor people shall thus be truly known, the justices are to appoint, within every their said several divisions, meet and convenient places to settle the same poor people for their habitations and abidings, if the parish within which they shall be found does not provide for them." And the justices are also required to ascertain what the weekly charge for the relief and sustentation of the said poor people will amount to, and by their good discretion to tax and assess the inhabitants dwelling within the said divisions to such weekly charge as every of them shall contribute, and to appoint persons to collect and gather the same, and make delivery thereof to the said poor people as the justices shall appoint; and they are likewise required to appoint *overseers of the poor*, to continue in office for one whole year; and if a person so appointed shall refuse to serve, he is to forfeit ten shillings.

Overseers
of the poor
to be ap-
pointed.

The Act likewise provides, "that if any person, being able to further this charitable work, shall obstinately refuse to give towards the help and relief of the said poor people, or shall wilfully discourage others from so doing," he shall be brought before two justices to show the cause of such refusal, and abide such order therein as the said justices shall appoint; and if he refuse so to do, then he is to be committed to gaol until he be content to obey such order. Provision is also made for persons aggrieved by taxation under this Act, who may appeal to the next general sessions of the peace. And further, in order to guard against the, at that day, not improbable danger of any parish or town being unable to afford needful relief "to the poor, lame, and impotent persons, with money to be collected in manner aforesaid, and it were overgreat a burthen to the

collectors to gather meat, drink, corn, and other things"—the Act provides that, "where collection of money cannot presently be had, justices in sessions, may license some of the poor to ask and gather alms within any other town, parish, or parishes of the county; and the inhabitants of every such town, parish, or parishes, to which such poor or impotent persons shall be so appointed, shall be coerced and bound to relieve the said poor in such sort as the said justices shall appoint."

But the legislature of that day, in their anxiety to provide needful relief for the infirm and impotent poor, did not overlook the necessity for its due limitation; and the Act accordingly directs that any of the said poor persons, who are not so diseased or impotent but that they may do some manner of work, "shall be, by the overseers of their said abiding-place, appointed to work"; and if they refuse, "then they are to be whipped and stocked for their first refusal, and for the second refusal to be punished as in case of vagabonds in the first degree." With like prudent severity it is provided, "that if any of the said poor people refuse to be bestowed in the abiding-places appointed of the said justices, but covet still to hold on to their trade of begging, or after they be once bestowed in the said abiding-places do depart and beg," then the person so offending, is, for the first offence, to be counted a rogue or vagabond in the first degree; and if he a second time offend, he is then "to suffer as a rogue and vagabond in the last degree of punishment set forth by this Act in all points": that is, he shall suffer as a felon.

Poor persons refusing to work, or quitting their abiding-places, to be punished.

If any surplus money should remain after the said poor and impotent people are provided for, the Act directs that the justices shall, in such convenient place within their shires as they may think meet, "place and settle to work the rogues and vagabonds that

shall be disposed (*i.e.* able) to work, there to be holden to work by the oversight of the said overseers, to get their livings, and to live and be sustained only upon their labour and travail.”¹

There is one curious clause in this Act, which may be noticed as exemplifying the manners of the time. After reciting that the city of Bath and the town of Buxton are intolerably overcharged by the number of poor and diseased people who resort thither for some ease and relief of their complaints, it is enacted that no diseased or impotent poor person living on alms shall

¹ Commenting upon this portion of this Act, and contrasting it with the Scotch Act of 1579, the author observes (*History of Scotch Poor Law*, pp. 25, 26): “There is one material distinction between the two Acts,—that of Elizabeth more distinctly inculcates the policy of, as far as possible, coupling employment with relief, and this not for the infirm and partially disabled poor alone, but it directs if any surplus money should remain after the impotent poor are provided for, ‘that the justices shall place and settle to work the rogues and vagabonds that shall be able (that is, the idle and able-bodied poor), there to be holden to work by the oversight of the overseers, to get their livings, and to live and be sustained only upon their labour and travail.’

“If the ‘labour and travail’ thus to be provided were of a repulsive or penal nature, and if it were enforced upon convicted rogues and vagabonds only, there could be no objection in principle to such a provision. So likewise with regard to the employment of the infirm poor directed by Elizabeth’s Act, if these were so far disabled by age, disease, or other infirmity, as to be unable to support themselves, but were still able to do work of some kind, there could be no objection to their being employed in such a way as they are fitted for in easement of the charge for their maintenance. The real danger in both cases, whether as regards the able-bodied or the partially disabled, is lest the employment conjoined with maintenance which is thus provided, should induce an unhealthy feeling of dependence in the persons occupied in the one, and partaking of the other, and that the repulsiveness of the labour would not counteract the attractiveness of the subsistence. There is obviously less of such danger to be apprehended in the case of the infirm poor, although there is some even with them. But with the able-bodied the danger is imminent, as has been shown by the whole tenor of our English experience. The results in England have proved beyond a possibility of doubt, that eleemosynary aid of any kind or in any form, if unaccompanied by some sufficient test for establishing the fact of necessity, invariably leads to an increase of the evil it was intended to remedy. Against this danger, however, the Scottish legislators appear to have been always sufficiently on their guard.”

resort to the city of Bath or town of Buxton, "to the baths there for the ease of their grief," unless he be licensed so to do by two justices of the county where he then dwells, and be also furnished by the inhabitants of the parish or whence he shall be so licensed, with means of maintenance during his abode there and turning home again, upon pain of being punished as a vagabond.

This Act comprises all the chief points of Poor Law legislation suited to the period ; and the several points are set forth and provided for with a clearness and minuteness of detail, which leaves no room for doubt as to the intentions of the legislature in any case. The enactments against the vagabond and mendicant class must be regarded in the light of a vagrant law, and their severity, although not according with the sentiments of the present day, was perhaps not more than was then necessary. The imposition of a fine of 20s. upon persons who should harbour or give money or other relief to any rogue, vagabond, or sturdy beggar, "whole and mighty in body and able to labour," is little more than a re-enactment of the provisions in the 22 & 27 Henry VIII. caps. 12 and 25 ;¹ and although it was probably of little avail, either at that time or in the present instance, the enacting such a penalty shows the importance attached to putting down the trade of begging, which moreover the legislature was now better entitled to do, since some organised means of relief had been provided for those whose infirmities and poverty drove them to it.

By 5 Elizabeth, cap. 3,² the justices were empowered to assess and tax at their discretion such persons as refused, after due admonition, to contribute according to their ability towards the relief of the poor. The present Act requires the justices, within their several divisions, to ascertain the number and

¹ *Ante*, pp. 114 and 121.

² *Ante*, p. 151.

the wants of the poor, and to make an estimate of what the weekly charge towards the relief and sustentation of the said poor people will amount to; and then it empowers them to tax the whole of the inhabitants of the division for the relief of such poor people, and likewise to appoint collectors and overseers to gather the money so assessed, and to superintend its application. In case the inhabitants of the division or parish shall be so poor as not to be able to pay the sum assessed upon them, the justices in such case are further empowered to tax other divisions or parishes in aid. And if there should be a surplus remaining after the impotent poor are duly provided for, it is to be applied to setting the idle and able-bodied poor to work. These are all important provisions, and they show that Poor Law legislation was rapidly advancing to the point when the relief of destitution would be recognised as a public duty, and be legally established as a public charge.

It is true that much of this was done by the preceding Act (5 Elizabeth, cap. 3),³ but it was done circuitously and inferentially, rather than positively; and this was probably one cause of its being found defective in practice. The present Act proceeds direct to its object, by requiring the justices to tax every householder for the relief of the poor, and it further provides the requisite machinery for the collection and the application of the money so assessed. This, with the power of imposing a rate in aid whenever necessary, and the authority given by the Act to apply a portion of the money levied to setting the able-bodied poor to work, might seem to leave little room for future legislation. It was in fact an immense advance upon all previous enactments, and must have been so considered at the time; but there was, nevertheless, a crudeness about

it indicative of its novelty. The principle was enunciated with sufficient clearness, the outlines were boldly sketched, but the filling in was defective. The scheme was to be carried into operation, not by the people of the several localities who were chiefly interested, but by the county justices; for in a matter so new and untried, a large discretionary power was necessary, and in what other hands could this power be at that time vested? This reliance upon the county magistrates for the working of the measure, which perhaps in the first instance was unavoidable, seems to have been the cause that a county, hundred, or divisional mode of rating and management was adopted, instead of its being made parochial, as had previously been the case. The Act continued in force for a quarter of a century, but certain amendments and additions were made to it four years afterwards by 18 Elizabeth, which now requires our attention.

The 18 Elizabeth, cap. 3, is declared to be enacted
 “For some better Explanation, and for some needful Addition to the Statute concerning the Punishment of Vagabonds and Relief of the Poor, made in the 14th year of the Queen’s Majesty’s Reign.” And
 “First, concerning bastards, begotten and born out of lawful matrimony (an offence against God’s law and man’s law), the said bastards being now left to be kept at the charge of the parish where they were born, to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish, and to the evil example and encouragement of lewd life.” Justices are therefore directed to take order for the punishment of the mother and reputed father of every such bastard child, as well as for the better relief of every such parish, in part or in all; and also for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other needful sustenance.

1575-76.
 18 Eliz.
 cap. 3.

Mother and
 reputed
 father
 liable for
 the child’s
 mainten-
 ance.

tation, in such wise as they shall think meet. And if the mother and reputed father fail in obeying the order made upon them by the justices, the party so defaulting is to be committed to gaol, there to remain, unless security be given for performance of the said order or for their appearing at the next general sessions of the peace.

This important provision was the commencement, and must still be regarded as constituting the basis, of our bastardy law, although considerable changes have from time to time been since introduced, with the view of modifying or more clearly establishing the liability of one or both the parents. The necessity for such a law, which must now be presumed to have arisen, would seem to imply that the moral condition of the people had deteriorated, or at least that it had not improved proportionately to the increase of wealth and population. A different result might have been expected, from the diffusion of intelligence, and the more pure and spiritual character of the religious instruction opened out to every class by the Reformation. But this is not the only instance in which the actual results in social economy fall short of, or are at variance with, our not unreasonable expectation; and in this, as in other instances, we must be content to take the good with a certain admixture of evil.

The next important provision commences with this recital—"To the intent youth may be accustomed and brought up in labour and work, and then not grow to be idle rogues; and to the intent also that such as be already grown up in idleness, and so are rogues at present, may not have any just excuse in saying that they cannot get any service or work, and be then, without favour or toleration, worthy to be executed; and that other poor and needy persons, being willing to work, may be set on work,"—it is

then enacted, that in every city and town corporate, and likewise in every market-town or other place which the justices of peace may in general sessions appoint and order, a competent stock of wool, hemp, flax, iron, or other stuff, shall be provided by taxation of all the inhabitants within the several limits. The said stock is to be committed to the custody of such persons as the mayor, bailiff, or other head officers of the cities and corporate towns may appoint, and in other places to such persons as shall be appointed by the justices. The persons so appointed are to be called "the collectors and governors of the poor," and they are empowered, "with the advice of them who do appoint them," to order and direct the division and manner of working of the said stock, so as that every poor and needy person, old or young, able to work, and standing in necessity of relief, "shall not for want of work go abroad begging, or committing pilferings, or living in idleness."

A stock of wool, hemp, iron, etc., to be provided to set the poor on work.

The "collectors and governors" thus ordered to be appointed, are from time to time to deliver out wool and other materials to be wrought by the poor, who, when the same is delivered back, are to be paid "according to the desert of the work"; and the articles are to be sold, and the money applied to purchasing "more stuff in such wise that the stock shall not be decayed in value." And if any poor person, being able, shall refuse to work, or shall go abroad begging, or live idly, or having taken such work shall spoil or embezzle the same, in such wise that the minister, churchwardens, and collectors and governors of the poor, shall think him not meet to have any more work out of the same stock, then he is to be taken, "in convenient apparel meet for such a body to wear," to one of "the houses of correction hereafter to be provided, there to be straightly kept as well in diet as in work, and also

"Collectors and governors" of the poor to be appointed.

punished from time to time, as the persons having the oversight and government of the said house of correction shall appoint."

"Houses of correction," etc., to be provided.

"Censors" and "wardens" appointed.

With respect to the "houses of correction," it is directed that in every county, one, two, or more abiding houses or places convenient, by appointment and order of the justices in general sessions, shall be provided, and be called the house or houses of correction; and also stock and store, and the implements for setting to work and punishing, "not only those which by the collectors and governors of the poor for causes aforesaid shall be brought, but also such as be inhabiting in the parish, or taken as rogues, or once punished as rogues, and by reason of the uncertainty of their birth or of their dwelling for three years, or for any other cause, ought to be kept within the same county." And the said houses of correction, with stock, stores, and implements, are to be provided in every county by a tax levied and gathered from the inhabitants, by order of the justices within their several authorities. Two years are allowed for carrying the Act into effect, failing in which the money levied is to be returned; and any person refusing or neglecting to pay the tax so ordered, is to forfeit double the amount. The justices in general sessions are, moreover, empowered to appoint persons to be "censors" and "wardens" of every such house of correction, who are to have the rule and government thereof, according to such orders as the justices shall prescribe; and they are also to appoint collectors for the gathering of such money as shall be taxed upon persons towards the maintenance of the said houses; and if any one so appointed shall refuse to fill the office of collector, governor of the poor, censor, or warden, he is to forfeit £5; and they are to make "a just and true account," whenever called upon, under penalty of committal, without bail or mainprise.

The former Act (14 Elizabeth) having omitted to

provide for the punishment of such poor and impotent persons as, being relieved within their parish, nevertheless "wander abroad loitering and begging," the present Act directs that every such person shall, for the first offence, be whipped, and so returned home again to his or her parish; and if such person shall a second time offend, he is to suffer as a rogue in the first degree; and if he again offend, he is then to suffer in all respects as a rogue and vagabond.

The provisions established by the two Acts, 14 & 18 Elizabeth, are all highly important, not only on account of the vigorous way in which it is attempted to grapple with the evils of bastardy and vagrancy, but likewise as manifesting more comprehensive views with respect to the relief of the poor, and the mode of administering such relief, than we have seen in the earlier statutes. That much was expected from these Acts, and from the intended "houses of correction," appears certain from the wording of the 9th clause of the latter Act, in which hopes are expressed "that many well-disposed persons, understanding the good success which will grow by setting people on work and avoiding idleness, will from time to time give to the sustentation and maintenance of the same good purpose and intent, and for their better encouragement to the same"; and it then goes on to empower persons holding lands, tenements, or hereditaments in free soccage, or in their own right, to give and bequeath the same for providing and maintaining any of the said houses of correction, "without any licence of mortmain, or writ of *ad quod damnum* to be sued out of the same, any custom or usage to the contrary in any wise notwithstanding." It is clear, therefore, that the aid and co-operation of the public, founded on a persuasion that these "houses of correction" would prove effective, was reckoned upon by the framers of the Act, who would seem to have been confident of

success, despite of previous failures in legislating on the subject; and in this confidence it was provided that the two Acts should conjointly continue in force for seven years. These statutes, with their ruthless enactments against vagabondage and mendicancy, and their more judicious and humane provisions for the relief of the infirm and destitute poor, continued, with certain modifications established by 35 Elizabeth, cap. 7, to be the law of the land for more than twenty years, until they were superseded by 39 Elizabeth, caps. 3 and 4.¹ Although then repealed, however, these earlier statutes of Elizabeth's reign possess great historical interest, as exhibiting one of the marked gradations through which Poor Law legislation passed; on which account they have here been quoted at greater length than would otherwise have been necessary.

Advantage may be taken of the present interval to notice certain other Acts in some way bearing upon the condition of the people, which, as already observed, should always be kept in view in connection with Poor Law legislation.

The 5 Elizabeth, cap. 5, is entitled "An Act touching certain politic Constitutions made for the Maintenance of the Navy." It directs that, "for increase of provision of fish by the more usual and common eating thereof, and for the benefit of this realm, as well in maintenance of the navy, as in sparing and increase of flesh victual," every Wednesday throughout the year is to be observed and kept as a fish-day, "as Saturdays be or ought to be"; and all persons are prohibited from eating flesh on Wednesdays, or on days usually observed as fish-days, under penalty of forfeiting £3 for every time they so offend, "or else suffer three months' close imprisonment without bail or mainprise." It

1562-63.
5 Eliz.
cap. 5.

Use of
flesh on
fish-days
prohibited.

¹ See *post*, pp. 179 and 182.

may perhaps be doubted whether this measure originated altogether in "politic considerations for the maintenance of the navy." To increase the consumption of fish would operate as an encouragement to the fisheries, and might possibly lead to some additional supply of seamen for the navy; but the above provisions have rather the appearance of looking back to the usages of the old religion, which still kept a certain hold over people's minds.

In the same year, immediately following the above Act, another was passed (cap. 6), apparently with the view of preventing persons from impoverishing themselves by the use of foreign finery in their clothing. It ordains that, "if any manner of foreign stuff or wares, not grown or first wrought in any of the queen's dominions, appertaining to the appareling, clothing, decking, garnishing, or adorning the body," shall be sold to any person "not having in possession lands or fees to the clear yearly value of £3000," without being paid for in ready money, the seller thereof shall be without remedy for recovering the same. So that whoever might thereafter wish to purchase any foreign finery, if not worth £3000 a year, would be compelled to go a shopping with money in hand—no great hardship perhaps, if not even a wholesome restriction. The enactment seems to imply that credit had been unduly stretched by the fashionables of that day, although probably to a less extent than what took place subsequently, or even than prevails at present; but what statesman would now think of proposing such an Act for its limitation?

In the same year likewise, an elaborate Act of forty-four clauses was passed regulating the making and use of leather, a matter that had repeatedly occupied the attention of Parliament in preceding reigns, and, therefore, must have been deemed of much general importance. This Act, 5 Elizabeth, cap. 8, is curious

1562-63.
5 Eliz.
cap. 6.

Restriction
on the use
of foreign
finery.

1562-63.
5 Eliz.
cap. 8.

Making of
leather.

for the extreme minuteness of its provisions. It begins by referring to the "many good statutes theretofore made for the tanning, currying, and working of leather, as a thing very necessary for the queen's subjects; for that every sort of people must of necessity use and have leather for divers and sundry purposes, notwithstanding which, leather was never worse tanned, curried, or wrought than nowadays it is; by reason whereof divers persons are not only put to great loss and other inconveniences, but also do take divers and sundry diseases, to the shortening of their lives, as by complaints exhibited to parliament manifestly appeareth." It is then ordained, that butchers shall not gash hides, and that tanners shall not sell them if gashed. Calves are not to be killed under five weeks old; no butcher is "to occupy the feat, craft, or mystery of a tanner," and no tanner is to be a butcher, or a shoemaker, or a currier. Minute regulations are laid down for liming and tanning hides, for felling and barking oaks, for the currying of leather, for making shoes, for sealing and selling leather, and for preventing its being exported—all evincing a praiseworthy care for the health and convenience of "the queen's majesty's subjects," but all, at the same time, it must be admitted, of very questionable policy.

It appears that the severe enactments against the *gipsies*, or Egyptians,¹ had not cleared the country of these people. On the contrary, their numbers had been increased, by many native vagabonds associating with them and adopting their habits and manner of life; and a new statute (5 Elizabeth, cap. 20) was therefore passed with the view of correcting this evil. It enacts that "every person which shall be seen or found in any company or fellowship of vagabonds commonly called Egyptians, or counterfeiting, transforming, or disguising

1562-63.
5 Eliz.
cap. 20.

Gipsies and
Egyptians.

¹ See 22 Henry VIII. cap. 10; and 1 & 2 Philip and Mary, cap. 4—*ante*, pp. 114 and 143.

themselves by their apparel, speech, or other behaviour, like unto such vagabonds, and shall continue and remain in the same by the space of one month, every such person shall be deemed and judged a felon, and suffer the pains of death." It is a fact seemingly well deserving the attention of legislators, that punishment, when pushed to extreme severity, almost invariably fails of its object. It may even be said to produce an opposite result, by enlisting the sympathies of the people in favour of the culprit, who is regarded as a kind of hero, or a desperate gambler who has thrown for a high stake, and perilled his life on the cast. Thus we see in the case of these gipsies, the severe laws enacted against them did not drive them away, nor deter them from pursuing their usual avocations, but, on the contrary, others appear to have joined them, there being no doubt an attraction for the idle and dissolute in the gipsy way of life.

In the year 1566, and again in 1571, Acts were passed for "The true making of hats and caps." The first Act recites that "the Queen's Majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts." All persons under the degree of a knight are therefore prohibited from wearing a hat or cap of velvet, under a penalty of 10s. The second Act, after a particular enumeration of the many persons occupied "in the trade and science of capping," of whom, in London alone, there were said to be no less than eight thousand, enacts that every person above the age of six years, except ladies, lords, and knights, and gentlemen in the possession of twenty marks by the year in land, shall upon Sundays and holydays wear upon their heads one cap of wool (which is declared to be very decent and comely for all states and degrees), made within this realm of England, and dressed and finished by some of the trade or science of cappers, upon pain

1566.
8 Eliz.
cap. 11.

1571.
13 Eliz.
cap. 19.

Making of
hats and
caps.

of forfeiting the sum of 3s. 4d. This enactment may have been very acceptable to the "cappers," but it must surely have been felt as a hardship by other people. It goes one step beyond protection, for it enforces the sole use of the home-made article. Exclusive legislation could be carried no further.

1571.
13 Eliz.
cap. 11.

Export of
corn.

An Act of considerable importance (13 Elizabeth, cap. 11) was passed in 1571, "For the better increase of Tillage, and for maintenance and increase of the Navy and Mariners of this realm." It enacts that all her Majesty's subjects may lawfully export corn to friendly countries, from ports where there is a collector or other officer, and in vessels of which English-born subjects shall be the owners, whenever the prices are so moderate that no prohibition shall be made to the contrary. An export-duty of a shilling a quarter is to be levied on wheat, and eight pence a quarter on all other grain. But the queen is empowered at all times to prohibit exportation from all or any of the ports or places within the realm; and the Lord President and Council in the North, and the Lord President and Council in Wales, and the justices of assize at their sessions are given a like power over the ports within their several jurisdictions. This was, perhaps, no more than acting with due caution in the then state of the country, with its imperfect means of communication, and when in one district there might be a deficiency, and in another an excess. The Act appears, on the whole, to have been framed on large and liberal views, creditable to the legislators of that day; and if carried out in a like spirit, it would no doubt promote the accomplishment of both its professed objects.

1580-81.
23 Eliz.
cap 10.

Preserva-
tion of
game.

The 23 Elizabeth, cap. 10, declares that "the game of pheasants and partridges is, within these few years, in manner utterly decayed and destroyed, by means of such as take them with nets, snares, and other devices, as well by day as by night; and also by such as do

use hawking in the beginning of harvest, before the young pheasants and partridges be of any bigness, to the great spoil and hurt of corn and grass then standing and growing." The Act then prohibits the taking of pheasants or partridges in the night, under penalty of 20s. for the former, and 10s. for the latter, or one month's imprisonment; and it also imposes a penalty of 40s. on persons hawking or hunting in the standing corn. A similar Act for the preservation of game, and imposing a penalty of 6s. 8d. on all persons tracing hares in the snow, had been passed in 1523 (14 Henry VIII. cap. 10), which was omitted to be noticed in its order of date. It recites that "the king and noblemen of England have used and exercised the game of hunting the hare for their disport and pleasure, which game is now almost utterly destroyed by reason that divers persons, tracing hares in snow, have killed and destroyed the same hares by ten and twelve and sixteen upon one day"; and such tracing is prohibited in future, under the above penalty. These Acts make no reference to the property qualification established by 13 Richard II. cap. 13,¹ but simply prohibit the killing of game at certain seasons, and in a certain manner; the penalties they impose are in neither case excessive, and contrast favourably with what prevailed at a former period when the life of a man was set against that of a deer.²

Hitherto the decay of buildings has generally been a subject of complaint, but 31 Elizabeth, cap. 7, is entitled "An Act against erecting and maintaining of Cottages." It declares that "great inconveniences are found by experience to grow by the erecting and building of great numbers and multitudes of cottages, which are daily more and more increased in many parts of this realm." And it directs that no person shall

1588-89.
31 Eliz.
cap. 7.

Against the
erection of
cottages.

¹ See *ante*, p. 60.

² Hume's *History of England*, vol. i. p. 346.

build or erect any manner of cottage for habitation or dwelling, "nor convert any building or housing, made or hereafter to be made, to be used as a cottage for habitation or dwelling," unless four acres of land at the least be attached to the same, under a penalty of forfeiting £10, and paying a further forfeit of 40s. for every month any such cottage shall be upheld. Cottages in cities and towns, and those erected for workmen in mines and quarries, are specially excepted, as are also cottages on the seacoast, used by sailors or persons who attend on shipping. The Act concludes by prohibiting more than one family or household inhabiting any one cottage, under a penalty on the owner and occupier of 10s. for every month it shall be so occupied—a most wholesome provision, showing a praiseworthy care for the health, comfort, and morality of the people, and so essentially conducive to these ends as to warrant such an interference with the rights of property for enforcing it.

1592-93.
35 Eliz.
cap. 6.

Regulating
buildings
in towns.

The above Act applies to cottages in rural districts; and not long afterwards 35 Elizabeth, cap. 6, was passed for regulating buildings in towns. It declares that "great mischiefs and inconveniences daily grow and increase by reason of the pestering of houses with divers families, harbouring of inmates, and converting of great houses into several tenements or dwellings, and erecting of new buildings within the cities of London and Westminster, and places near adjoining, whereby great infection of sickness and dearth of victuals and fuel hath grown and ensued, and many idle, vagrant, and wicked persons have harboured there." And it is then ordered that no new buildings shall be erected in London or Westminster, or within three miles thereof, unless they be fit for the habitation of persons assessed at £5 in goods, or £3 in lands, upon pain of forfeiting £5 quarterly for every such building; and houses are prohibited from being con-

verted into several dwellings, under a penalty of £5 per month on the landlord, and a like penalty on the occupier or other person permitting the house to be so divided.

These two Acts were no doubt intended for the promotion of health, comfort, and morality, by preventing the erection or the use of insufficient habitations, and the overcrowding and filthy and immoral habits thence arising, which were the chief causes of those fearful outbreaks of pestilence by which England had been so frequently visited. The Acts, taken together, may be said to afford evidence of the increase both of the rural and town population, as well as of the general increase of wealth.

The metropolis appears, however, to have been long much troubled by the great number of idle and disorderly persons who resorted thither, and lived by pilfering and begging. Stow, in his *Survey of London*, states¹ that in 1569 an order was made to apprehend all beggars and idle people, whether men, women, or children, or other masterless vagrants. The vagabonds and sturdy beggars were to be taken to Bridewell; the aged, impotent, sick, sore, lame, or blind to St. Bartholomew's or St. Thomas's Hospitals; and the children under sixteen to Christ's Hospital. For this purpose, the beadles were directed to attend at each of the City gates morning and evening, and at Billingsgate and Lyon's Key at tide-times. But the City continued nevertheless to swarm with beggars, "valiant and sturdy rogues, masterless men, vagrants, and maimed soldiers," for dealing with whom, and preventing the mischief and great annoyance they occasioned, City marshals were appointed to take some good course for clearing the streets of these wandering people, and sending them to their several places of punishment.

Great number of idle and disorderly persons in London.

¹ See Stow's *Survey of London*, book v. chap. 30.

It would seem that these measures were not without effect, as, "by the care of Fleetwood the recorder, and the other magistrates, in 1575, there were few or no rogues and thieves in gaol, for Lord Keeper Bacon, sitting in the Star Chamber, and calling for the book of misbehaviours of masterless rogues, fencers, and suchlike, there was none to present for London."¹ The queen, and most of the nobility and gentry, were, however, then absent from London on account of the pestilence, which may account for the absence of beggars and masterless rogues at this time; but they appear to have returned with the Court when the plague abated, as in 1580 we find "a great parcel of rogues encompassing the queen's coach near Islington one evening, when she was riding abroad to take the air, which seemed to put her into some disturbance."² Thirteen years afterwards, in 1593, London and the country generally were so grievously pestered with beggars, that the queen put forth a proclamation³ against idle persons and vagabonds wandering in the common highways, and the multitudes of able men, neither impotent nor lame, exacting money upon pretence of service in the wars, to the annoyance of the common people both in their goods and lives; for reformation whereof justices and officers are commanded to have a better regard thereto, and to appoint watches and privy searches in places needful, and to attach and imprison all such idle vagabonds, and to send the lame and maimed into their countries according to the statute.

Proclamation against idlers, vagabonds, and beggars.

After this notice of a few of the statutes of Elizabeth's reign, more or less helping to throw light upon the habits and condition of the people, we will turn to an examination of the Acts having immediate reference to the poor as a class, the first of which, in order

¹ See Stow's *Survey of London*, book v. chap. 30.

² *Ibid.*

³ *Ibid.*

of time, are the two important Acts, 39 Elizabeth, caps. 3 and 4, already referred to.¹

The 39 Elizabeth, cap. 3,² provides in the first place, for the appointment of overseers of the poor in every parish. The churchwardens are declared to be overseers *ex officio*, and the justices are yearly in Easter week to appoint "four other substantial householders" to the like office. These overseers are to take order from time to time, with the consent of two or more justices, "for setting to work the children of all such whose parents shall not be thought able to keep and maintain them, and also all such persons, married or unmarried, as, having no means to maintain them, use no ordinary or daily trade of life to get their living by." The overseers are further empowered, with the consent of the justices, "to raise weekly or otherwise by taxation of every inhabitant, and every occupier of lands in the said parish, in such competent sum and sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work; and also for the putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the said parish; and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises, as to them shall seem convenient."

1597-98.
39 Eliz.
cap. 3.

Overseers
of the poor
appointed
in every
parish.

The said overseers are directed to meet together at least once every month in the parish church, upon the Sunday in the afternoon, after divine service, "to consider of some good course to be taken, and of some meet orders to be set down, in the premises." And within four days after the end of their year of office,

¹ *Ante*, p. 170.

² See note to p. 158, *ante*.

The over-
seers are to
account.

they are to yield up to such two justices of peace “a true and perfect account of all sums of money by them received, or rated and cessed and not received,” and also of such stock as shall be in their hands, and of all other things concerning their said office, “upon pain to forfeit for every default twenty shillings.” And the overseers are empowered to levy by distress and sale, under a warrant from two justices, the sums of money of every one that shall refuse to contribute according as they shall be assessed, as well as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the overplus; and in defect of such distress, the justices may commit the offender to prison until payment be made.

Rate in aid.

The justices are likewise empowered, as in 14 Elizabeth,¹ to “rate and assess any other of other parishes” in aid, if they perceive that the inhabitants of any parish are not able to levy among themselves sufficient for the purpose. And with the consent of two justices, the churchwardens and overseers may bind poor children to be apprentices, till the age of twenty-four if a man-child, and twenty-one if a woman-child. The Act also follows 14 Elizabeth, in providing that, if any persons shall find themselves aggrieved with any sess or tax, or other act done by justices, churchwardens, or overseers, they may appeal to the quarter sessions.

Mutual
liability of
parents and
children.

This Act moreover establishes the highly important principle of the mutual liability of parents and children, by enacting—“that the parents or children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall at their own charge relieve and maintain every such poor person, in that manner and according to that rate as by the justices in quarter sessions shall be

¹ *Ante*, p. 160.

assessed, upon pain to forfeit twenty shillings for every month which they shall fail therein."

In all these enactments the legislature appears to have been governed by kindly feelings towards the really poor, but there is one provision of a somewhat opposite character. The 10th section enacts, that "no person or persons whatsoever shall go wandering abroad and beg in any place whatsoever, by licence or without, upon pain to be esteemed, taken, and punished as a rogue." This seems severe, but a proviso is added, excepting from such penalty "any poor people which shall ask relief of victuals only, in the same parish where they do dwell, so the same be in such time only, and according to such order and direction, as shall be made and appointed by the churchwardens and overseers of the poor of the same parish, according to the true intent and meaning of this Act." It may be presumed, therefore, that the penalty imposed by this clause was only enforced in the case of notorious and profligate offenders.

The present Act approximates very closely to that passed four years afterwards (43 Elizabeth, cap. 2), which still continues in force, and is the foundation and groundwork of our English Poor Law. The difference between the two Acts chiefly consists in the more complete elaboration, in the latter, of the several provisions with respect to the levying and application of the rates, which the brief period that intervened had probably shown to be necessary for removing doubts, correcting errors, and securing the orderly and effective working of the law.

The Act we have just been considering is entitled "An Act for the Relief of the Poor." Its fellow Act, 39 Elizabeth, cap. 4, is entitled "An Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars."

1597-98.
39 Eliz.
cap. 4.

Definition
of rogues,
vagabonds,
and sturdy
beggars.

It¹ commences by repealing "all statutes heretofore made on the subject, or for the erection or maintenance of houses of correction,"² and then empowers the justices of peace of any county or city assembled at quarter sessions "to erect or cause to be erected one or more houses of correction within their several counties or cities"; and they are further empowered to make orders from time to time "for the providing of stocks of money and all other things necessary for the same, and for raising and governing of the same, and for correction and punishment of offenders thither to be committed." A definition is then given of the persons deemed offenders under the Act, and the list comprises "all persons calling themselves scholars going about begging; all seafaring men pretending losses of their ships and goods on the sea; all idle persons going about either begging or using any subtle craft or unlawful games and plays, or feigning to have knowledge in physiognomy, palmistry, or other like crafty science, or pretending that they can tell destinies, fortunes, or such other fantastical imaginations; all fencers, bearwards, common players, and minstrels; all jugglers, tinkers, pedlers, and petty chapmen; all wandering persons and common labourers, able in body, and refusing to work for the wages commonly given; all persons delivered out of gaols that beg for their fees or travel begging; all persons that wander abroad begging, pretending losses by fire or otherwise; and all persons pretending themselves to be Egyptians," all such persons, it is declared, "shall be taken, adjudged, and deemed rogues, vagabonds, and sturdy beggars, and shall sustain such pain and punishment as by this Act is in that behalf appointed."

It is then enacted, that every person thus declared to be a rogue, vagabond, or sturdy beggar, and who shall be taken begging, wandering, or misordering

¹ See note to p. 158, *ante*.

² *Ante*, p. 168, 18 Elizabeth, cap. 3.

themselves, shall, by the appointment of any justice of the peace, or by any constable, headborough, or tithing-man, assisted therein by the advice of the minister or one other of the parish where such person shall be taken, "be stripped naked from the middle upwards, and be openly whipped until his or her body be bloody, and shall then forthwith be sent from parish to parish, by the officers of every the same, the next straight way to the parish where he was born, if the same may be known by the party's confession or otherwise; and if the same be not known, then to the parish where he or she last dwelt by the space of one whole year, there to put himself or herself to labour as a true subject ought to do; or if it be not known where he or she was born or last dwelt, then to the parish through which he or she last passed without punishment."

Sturdy
beggars,
etc., to be
punished,
and sent to
their place
of birth or
last resi-
dence.

After being thus whipped, the culprit is to be furnished with a testimonial certifying the same, with the date and place of punishment, and the place whereunto he is directed to go, and the time allowed for getting thither. "And if the said person through default do not accomplish the order appointed by the said testimonial, then to be eftsoons taken and whipped; and so often as any default shall be found in him or her contrary to this statute, in every place to be whipped till such person be repaired to the place limited." And the person so whipped, etc., is to be conveyed, by the officers of the village where he last passed through without punishment, to the house of correction, or to the common gaol, there to remain and be employed in work, until he or she shall be placed in some service, or, if not able of body, until placed in some almshouse.

It is further provided, that "if any of the said rogues shall appear to be dangerous to the inferior sort of people where they shall be taken, or otherwise

be such as will not be reformed of their roguish kind of life," in such case the justices may commit them to the house of correction or the county gaol until the next quarter session, where the majority of the justices then assembled are empowered to banish such rogue unto such parts beyond the seas as shall be at any time assigned by the privy council; and if the rogue so banished shall return again without licence, he shall suffer death as in case of felony.

The clause in 14 Elizabeth, cap. 5, is repeated providing that any one having charge of a vessel who shall bring or suffer to be brought into England, any "Mannsyke, Scottish, or Irish rogue, vagabond, or beggar, or any such as shall be forced or very like to live by begging," is liable to a penalty of twenty shillings. And constables, headboroughs, and tithingmen are subjected to a penalty of ten shillings in case they shall not use their best endeavours for the apprehension of such vagabond, etc., and cause every of them to be punished according to the intent and meaning of this Act. The diseased poor are again prohibited from resorting to Bath or Buxton, "to the baths there for the ease of their griefs," unless licensed by two justices, and provided with sufficient means of subsistence whilst they abide there, and for their travelling thither and returning. There is likewise, as in 14 Elizabeth,¹ a proviso in behalf of shipwrecked mariners, permitting them, under a testimonial signed by a justice of peace, to "ask and receive such relief as shall be necessary." These enactments indicate the growing importance of maritime pursuits, and the estimation in which they were at this time held. The age of Drake, and Raleigh, and Frobisher, and Davis, and Lancaster, so fruitful in nautical daring and commercial enterprise, could not fail of imparting increased energy and hardihood to every department

Ship-
wrecked
mariners
permitted
to beg.

¹ *Ante*, p. 157.

of maritime adventure; and hence shipwrecks would be more frequent, and assistance for the shipwrecked seamen be more frequently required.

In these two statutes of 39 Elizabeth, caps. 3 and 4, a marked distinction is made between the infirm and impotent poor, or "poor indeed," and the sturdy beggars "mighty in body," whose poverty is occasioned by their being idle and vicious, the two classes being dealt with in separate Acts. The system was still, however, deemed incomplete, there being no easy and certain means by which persons of opulence could by their individual efforts, or by their contributions, voluntarily assist in furthering the objects sought to be attained. To supply this deficiency, another Act (cap. 5) was passed, which, taken in combination with the two preceding Acts, may be regarded as forming one entire measure for relieving the poor and repressing vagabondism.

The 39 Elizabeth, cap. 5, after quoting in the preamble 35 Elizabeth, which empowers persons to bequeath lands and hereditaments for providing and maintaining houses of correction, etc., declares that "the said good law hath not taken effect as was intended, by reason that no person can erect or incorporate any hospital, house of correction, or abiding-places, but by her Majesty's special licence by letters-patent under the great seal." Wherefore, in order that so good and charitable a work may be effected with as great ease and little charge as may be, it is enacted, that any person may, within twenty years, at his will and pleasure, by deed enrolled in Chancery, "found and establish one or more hospitals, maisons de Dieu, abiding-places, or houses of correction, as well for the sustentation and relief of the maimed poor, needy or impotent people, as to set the poor to work; and from time to time place therein such head and members, and such number of poor, as to

1597-98.
39 Eliz.
cap. 5.

Hospitals
and abiding-places.

him shall seem convenient." The hospitals, etc., so founded are to be incorporated, and have perpetual succession for ever, "in fact, deed, and name," and are to be ordered and visited as appointed by the founder. But it is provided that no such hospital, etc., shall be founded or incorporated, "unless it be endowed for ever with lands, tenements, or hereditaments of the clear value of ten pounds by the year."

1597-98.
39 Eliz.
cap. 17.

In the same year with the three preceding Acts, 39 Elizabeth, cap. 17, was passed. It recites that "divers lewd and licentious persons, contemning both laws, magistrates, and religion, have, of late days, wandered up and down in all parts of the realm, under the name of soldiers and mariners, abusing the title of that honourable profession to countenance their wicked behaviour, and do continually assemble themselves, weaponed, in the highways, and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects.¹ And many heinous outrages, robberies, and horrible murders are daily committed by these dissolute persons." It is then ordered that all wandering soldiers and mariners or idle persons, shall settle themselves to some labour, or else repair to the place where they were born, or to their dwelling-place, if they have any, and there remain, betaking themselves to some lawful course of life, on pain of being reputed felons, and suffering as in case of felony without benefit of clergy. This statute was, however, repealed three years afterwards by 43 Elizabeth, cap. 3, which, in a more kindly spirit, recites—that "it is now found more needful than it was to provide relief and maintenance to soldiers and mariners that have lost their limbs and disabled their bodies in the defence and service of the state; and to the end that the said soldiers and mariners may reap the fruits of their good

1601.
43 Eliz.
cap. 3.

¹ This reminds one of the wayside beggar, who with levelled carbine frightened poor Gil Blas out of a charitable contribution.

deservings, and others be encouraged to perform the like endeavours"—it is now enacted that every parish shall be charged to pay such a sum weekly towards the relief of sick, hurt, and maimed soldiers and mariners, having been in her Majesty's service, as the justices in quarter sessions shall determine, under certain limitations as to amount; and the same is to be leviable by distress, in default of payment. But it is nevertheless provided, "that every soldier or mariner that shall be taken begging in any place within the realm, shall for ever lose his annuity or pension, and be taken, deemed, and adjudged as a common rogue and vagabond, and shall sustain the like pains and punishments as is appointed for common rogues and vagabonds."

We are now arrived at the important period when, by 43 Elizabeth, cap. 2, the principle of a compulsory assessment for relief of the poor was fully and finally established as an essential portion of our domestic policy. In the earlier statutes we have seen that little was aimed at beyond the repression of mendicancy and vagabondage, by inflicting severe and often cruel, punishments on the offenders; and even in the statutes of a later period this still appeared to be the chief and governing motive. "Valiant beggars and sturdy vagabonds" are in nearly every case denounced as causing all the evil and disorganisation which prevailed in the land. The permission to beg on certain conditions, and within certain limits, and the attempts made to stimulate charitable relief for the infirm poor, can hardly be considered as exceptions, for they must from their very nature have been almost, if not altogether, inoperative.

Such was the state of Poor Law legislation down to the passing of 39 Elizabeth in 1597. Long previously, however, a persuasion seems to have been gaining ground that severe punishments alone would not answer, and that something else was necessary for

Progress of
legislation
with
respect to
the poor.

putting down vagabondage and mendicancy, with their long train of evils. Thus, by 27 Henry VIII. cap. 25,¹ the head officers of towns, etc., were directed to succour and charitably relieve the impotent poor, and also to set and keep "sturdy vagabonds and valiant beggars at continual labour." And 5 & 6 Edward VI. cap. 2,² directs a register of the poor to be kept, and the parishioners to be "gently exhorted and admonished" to contribute, according to their means, for like objects. The 5 Elizabeth, cap. 3,³ goes still further, and empowers justices to use compulsion towards persons obstinately refusing to contribute; and by 14 Elizabeth, cap. 5,⁴ overseers are appointed and a better organisation is formed for the collection and distribution of charitable alms; whilst by 39 Elizabeth, cap. 3,⁵ nearly all the means are provided, short of an absolute and regular assessment of property, for relieving the destitute poor, and for giving employment to such of them as are able to labour.

Notwithstanding these successive measures, each in advance of the other, a conviction seems to have been forced upon the legislature that something further must yet be done. It appears at length to have been seen that severe punishment loses its terrors in the presence of actual want—that a man will beg, or steal, or resort to violence, rather than starve; and that the first step towards putting down begging and vagabondage and the crimes thence arising, was to provide against the occurrence of such an extremity of want, as would leave no alternative between starvation and a breach of the law. It is evident, however, that this conviction had been preceded, and was accompanied, by a strong sense of the vast importance of the subject, and the serious difficulties and dangers with which it was beset; and it was not until the foregoing statutes

¹ *Ante*, p. 121.

² *Ante*, p. 133.

³ *Ante*, p. 151.

⁴ *Ante*, p. 157.

⁵ *Ante*, p. 179.

had all been tried, and after experience had shown their insufficiency, that the eminent statesmen of Elizabeth's reign courageously determined to act upon the principle that the relief of destitution must be undertaken as a public duty, and be provided for at the public charge, in order to the security of life and property, and for ensuring the due ascendancy of law; and this principle was finally established by the passing of 43 Elizabeth, to a consideration of which we will now proceed.

The 43 Elizabeth, cap. 2,¹ the great turning-point of our Poor Law legislation, is still the foundation and text-book of English Poor Law. It is remarkable that this most important statute has no preamble, setting forth the evils to be corrected and the good expected from it, as is the case with most of the other statutes; but it goes at once to its object, and directs that in every parish "four, three, or two substantial householders shall, under the hand and seal of two or more justices of the peace, be yearly nominated in Easter week, and that these, with the churchwardens, shall be overseers of the poor." These overseers are "to take order from time to time," with the consent of the justices, for carrying the several provisions of the Act into effect. They are to raise, "weekly or otherwise, in every parish, by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, or propriations of tithes, coal-mines, and saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit," for the following purposes:—

First. "For setting to work the children of all such whose parents shall not be thought able to keep and maintain them."

Secondly. "For setting to work all such persons, married and unmarried, having no means to maintain

1601.
43 Eliz.
cap. 2.

¹ See note to p. 158, *ante*.

them, and who use no ordinary and daily trade of life to get their living by."

Thirdly. "For providing a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor on work."

Fourthly. "For the necessary relief of the lame, impotent, old, blind, and such other among them being poor, and not able to work."

For effecting these several objects, the churchwardens and overseers of the poor are, as was directed by 39 Elizabeth, cap. 3,¹ "to meet together at least once in every month, in the parish church, after Divine service on the Sunday, to consider of some good course to be taken, and of some meet order to be set down in the premises." And within four days after the end of their year of service, and after other overseers shall be in like manner appointed, they are, "to make and yield up to such two justices of the peace, as aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office." And in case of default, absence, or negligence of any kind being proved against them, before two or more justices, they are subjected to a fine of twenty shillings.

The mutual liability of parents to maintain their children, and of children to maintain their parents, established by 39 Elizabeth, is extended by this Act to the grandfathers and grandmothers, whenever the parties respectively are of sufficient ability so to do. And the churchwardens and overseers are empowered, with the assent of two justices, to bind those "poor children, whose parents cannot maintain them, to be apprentices, where they shall see convenient, till

¹ *Ante*, p. 179.

such man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or the time of her marriage; the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself."

With wise and provident forethought, the experienced statesmen to whom we are indebted for the present Act, likewise guarded (as they had done in 14 and 39 Elizabeth)¹ against a possible excess of poverty in any locality, and the deficiency of means for affording relief, by providing that if "the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid," then any parish or parishes within the hundred may be "taxed, rated, and assessed to pay such sum and sums of money to the churchwardens and overseers of the said parish for the said purposes, as the said justices shall think fit, according to the intent of this law"; and if the hundred shall be deemed unable, then the county is to be assessed for like purposes. This is "The Rate in Aid" clause, which has, however, very rarely been acted upon, its existence probably helping to avert the contingency which it was provided to meet.

Justices of peace are empowered "to commit to the house of correction, or common gaol, such poor persons as shall not employ themselves to work, being appointed thereunto by the overseers"; and they are also empowered, on the non-payment of the moneys taxed and assessed, to issue a warrant of distress for recovering the same, and in defect of such distress to commit the offender to prison until the said money with all arrearages be paid. But any person or persons who shall find themselves aggrieved by "any sess, tax, or other act done" under the provisions

¹ *Ante*, pp. 157 and 179.

of this statute, may appeal to the justices at their general quarter sessions, who are "to take such order therein as to them shall be thought convenient."

Such are the chief provisions of this important statute; and so complete were they as then framed, both for providing the means of relief, and for its due administration in all cases in which relief could be actually necessary, that they stand entire and constitute the basis of the law at the present day—always, however, excepting settlement, and the various complicated enactments which sprang out of it, and of which we shall have to speak hereafter.

The 43 Elizabeth was not, we have seen, the result of a sudden thought or a single effort, but was gradually framed upon the sure ground of experience; and it is curious to trace the successive steps by which its chief enactment, that of a compulsory assessment for the relief of the poor, came at length to be established. First, the poor were restricted from begging, except within certain specified limits. Next, the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled "to go openly in begging," and collections were to be made for them on Sundays, and the parson was to stir up the people to be bountiful in giving. Then houses and materials for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was every Sunday specially to exhort the parishioners to contribute liberally. Next the collectors for the poor, on a certain Sunday after divine service, were to set down in writing what each householder was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and, if he still refused, then to report him to the bishop, who was to send for and again gently exhort him;

and if still refractory, the bishop was to certify the same to the justices in sessions, and bind him over to appear there, when the justices were once more gently to move and persuade him; and if he would not be persuaded, they were then to assess him in such sum as they thought reasonable. This prepared the way for the more general assessment authorised by 14 and 39 Elizabeth, which again led to the complete and universal assessment of property established by the present Act

In less than two years after the passing of this statute, Elizabeth terminated her long and most useful career. She died on the 24th of March 1603, in the seventieth year of her age and the forty-fifth of her reign. Her character is best shown in the history of the age in which she lived, and it would be out of place to say more of it here than seems necessary for duly elucidating our subject.

1603.
Death of
Queen
Elizabeth.

The vigorous government of the Tudor sovereigns, extending over a period of nearly a century and a quarter, from the accession of Henry the Seventh to the death of Elizabeth, was favourable to agricultural and commercial industry, and to the increase and improvement of the population, which is estimated to have been five millions in 1580. This may have been, and probably was, rather a high estimate, but at the end of Elizabeth's reign there can be no doubt of the population having reached that amount. A middle class had, moreover, sprung up, possessed of considerable wealth and influence, and serving in some degree as a check or counterpoise to the power of the crown, which grew to an inordinate height after it had obtained an ascendancy over the great feudal aristocracy. But the chief event of the Tudor dynasty was the Reformation, commenced by Henry the Eighth, matured under Edward the Sixth, and finally consummated and established in the reign of Elizabeth.

We can hardly overestimate the consequences of the great change then effected. The free circulation of the Scriptures in the native tongue must have exercised a most beneficial influence upon the moral habits and religious feelings of the people ; whilst the public mind, awakened and roused into activity by the circumstances of the period, and elevated by the precepts and examples of holy writ, assumed a bolder and more energetic tone, not with regard to religious questions only, but in all matters connected with the political and social condition of the people, their wants, their duties, and their rights.

Effects of
the Refor-
mation.

So great a change, involving the overthrow of the entire establishment of the Romish Church, the annihilation of its power, and the confiscation of its vast amount of property, was felt in every nook and corner of the land ; but by none perhaps so immediately, or so much, as by those persons who had been accustomed to rely upon alms for support. The vagrant and mendicant classes were at once deprived of their accustomed doles, and their ranks were at the same time swelled, not only by the persons discharged from the numerous religious establishments, but also by the many who were heretofore occupied with the forms and ceremonies of Romanism, for whom there was no place under the more simple ritual by which it was superseded. When to these immediate consequences of the Reformation is added the fact, that serfage and villeinage had, at no very remote period, been abolished, and that by such abolition the people had acquired the right of independent action, and severally taken upon themselves the duty of providing for their own wants, we cannot wonder if mendicancy and vagrancy were for a time increased, or that these evils should be more loudly complained of under Edward the Sixth, and in the earlier part of Elizabeth's reign, than they previously had been.

Out of this increase of evil, however, there sprang up a remedy—an effectual relief for destitution was established, and the community thereby acquired a right to prohibit mendicancy. Without doing the one, it would have been futile as well as cruel to attempt the other—the two things must go together. The successive failure of all preceding legislation on the subject served to confirm and establish the truth of this axiom, on which at length the framers of 43 Elizabeth had the wisdom and the courage to act; and the effects which followed I shall endeavour hereafter to describe. But in the meantime it will be useful to take a brief survey of the state of the law, the circumstances of the country, and the general condition of the people, at the close of Elizabeth's reign.

Whoever has perused the extracts given in the preceding pages, and considered the circumstances of the periods in which the statutes were severally passed, can hardly fail to perceive that they all tended to the establishment of a legally authorised provision for the relief of the destitute poor. Even the most stringent and severe enactments against vagrants and beggars tended to this, their failure serving to show that no severity of punishment could be effective; whilst but for these severe and often cruel enactments, the fact of their insufficiency might not have been so clearly established. So long as a doubt remained on the point, and there appeared to be a chance of putting down vagabondage and mendicancy by penal and prohibitory statutes alone, it cannot excite surprise that severity more or less stringent was resorted to, or that cumulative punishments, even of a revolting character, should have been enacted against offenders. Hence the fluctuations observable in the various statutes, from the 13 Edward I. downwards. At one time they are more stern and cruel, at another time less so; but they always manifest a severity of

character from which the mind of modern legislators would shrink. In fact, each gradation in the scale of punishment was tried, abandoned, re-established with added stringency, and again abandoned, with a lingering pertinacity which can only be accounted for by the struggle between experience and preconceived notions, and the kind of uncertainty that was felt as to whether it might not yet be possible to succeed by such means.

This uncertainty appears, however, at length to have yielded to the conviction that something more must be done than merely to punish offenders. Charitable alms and contributions for the relief of the poor were invoked, and after a time a machinery was constituted for collecting and distributing these offerings, and for stimulating liberality where the givers were found backward. Means for relieving the infirm poor were thus in some degree provided, as well as coercion and punishment for the vagrant class; but the latter was positive and certain, the former contingent and uncertain. So this too failed, and the last step was at length taken, of giving a certainty to each, so far as it is susceptible of being attained by legislative enactment.

Man's natural wants, and his desire to obtain the comforts and conveniences of life, will generally operate as sufficient stimulants to exertion; but in every community there will be certain individuals so feebly constituted, either physically or mentally, as to be unequal to the task of providing for themselves; and there will likewise be some whose moral qualities are of so low a standard, that, although not labouring under bodily or mental infirmity, yet the motives which actuate others fail of influencing them, and they are found naturally idle, and indisposed or unequal to continuous effort or application of any kind. These two classes are properly objects of care in every com-

munity. They are the weak part of the social fabric, and must be looked after and regarded as a common charge. To these two classes may be added a third, the violent, insubordinate, and vicious, whose numbers will in great measure depend upon the circumstances of the times, and who are the fit objects for penal legislation. But individuals of this last class will frequently endeavour to prey upon the community under the guise of one or other of the two first-named classes. Of this class chiefly were the sturdy vagabonds, "mighty in body," so often complained of in the earlier statutes, and against whom the severest enactments were directed. The three classes here described, differing essentially each from the other, and not having by any means the same claims for sympathy and assistance, are yet included under the general designation of "the poor." In all legislation for the poor, therefore, the distinctive characteristics of these classes ought to be borne in mind, and care should be taken that, whilst providing for all who are in actual need, the relief afforded shall be so regulated as that encouragement be not given to the idle and the vicious; and 43 Elizabeth was framed in conformity with this principle.

The passages which have been cited from the statutes passed in the several reigns, immediately affecting or indirectly bearing upon the condition of the people, will throw light upon the state of the country at the different periods to which they refer. Regarded as a whole, they bear evidence of continuous social improvement, often slow indeed, but in the main always progressive. Freedom from vassalage accompanied the growth of trade and manufacturing industry, and with these came increase of wealth and civilisation, and the growth of a middle class serving as a connection between the higher and the lower orders, and thereby completing, and as it were cementing, the

social structure. In the earlier reigns these improvements made comparatively slow progress, and were not always perceptible—in the latter, improvement was more rapid and more apparent. This was especially the case in Elizabeth's reign, when the great question of the Reformation became finally established; and by the end of which society may be said to have very nearly attained its present form. Individual liberty was then secured, the law was indifferently administered, and the productive energies of the country were more freely developed.

Condition
of the
people in
the time of
Elizabeth.

It must not be supposed, however, that the condition of the people or the civilisation of that day was similar to what exists at present. In the great towns the difference was perhaps less, for there wealth had accumulated, and brought improvements in its train; but in the villages and country districts we have at the present day nothing approaching to the rude and barbarous manner in which the rural population then lived. At the time of Elizabeth's accession, their habitations were for the most part wretched hovels, formed of wattles plastered over with mud or clay, often without chimneys, and with nothing to admit the light but an opening in the wall. Their mode of living was equally rude, and they slept upon straw.¹ Perhaps this description applies more particularly to Edward's and Mary's reigns, and improvement may have taken place in the time of Elizabeth, for she is said on some occasion to have declared that "when the houses were of wood she had men of stone, but that since the houses were built of stone she had wooden men." This may or may not have been said by the queen, but the report or belief that it was so, warrants a presumption that some such change had taken place in the habitations of the people. An important change

¹ Holinshed, as quoted by Hume, in a note at the end of the 4th volume of his History, p. 462.

had certainly taken place in another respect, the number of criminal executions having decreased to less than 400 annually. This number doubtless indicates the existence of a fearful amount of crime, but it is still much less than in previous reigns, especially in that of Henry the Eighth, when there were said to be 2000 of such executions every year.

Coaches were first introduced from Holland in 1564, and pocket watches were introduced about the same period. Before that time, ladies were accustomed to travel on horseback, or in uncouth waggons, which were compared to great boxes on wheels. The first general Highway Act (2 & 3 Philip and Mary, cap. 8), and the foundation of all subsequent Acts on the subject, was passed in 1555. It is pithy and business-like, consisting of only four short sections, and does credit to the legislature that enacted it. It declares that the roads were at that time tedious and noisome to travel on, and dangerous to passengers and carriages, and enacts that the inhabitants of every parish shall keep their roads in repair, and annually appoint two surveyors of the highways for the purpose of attending to this duty. In the fifth year of Elizabeth this Act was renewed and enlarged, and in the twenty-ninth year of Elizabeth it was made perpetual, being found to be "very necessary and profitable." In the early part of her reign Elizabeth generally travelled on horseback, and on state occasions she rode on a pillion behind the Lord High Chancellor. With the aid of a Dutch coach and a Dutch coachman, she was enabled, in the latter years of her reign, to move from one place to another with more comfort and greater dignity.

In 1582 the number of seamen in England was ascertained to be 14,295. The number of vessels was 1232, of which only 217 were above eighty tons burthen. Yet in 1599, on the alarm of an invasion by

the Spaniards, the queen equipped a fleet and levied an army in a fortnight, a proof that the events connected with the formidable Armada in the early part of her reign had not been forgotten, and that she still had the hearts of the people with her. Ireland, although it had been upwards of four centuries subjected to the English Crown, was still in a state of barbarism and disorder.¹ It yielded a revenue of only about six thousand a year, whilst it is affirmed that in ten years Ireland had cost the queen £3,400,000, an immense sum, if we consider the slender income possessed by Elizabeth, and out of which she had to defray all the expenses of her government, civil, military, and domestic. In 1569 a patent was obtained from the Czar of Muscovy, with whom the queen had cultivated friendly relations, granting to the English an exclusive right of traffic with that country. The trade with Turkey commenced about the year 1583, and in 1600 the queen granted the first patent to the East India Company. These are all incidents having a material influence upon the industrial occupations and the social condition of the people, as well as upon the well-being of the country generally.

Prices of
Provisions.

During the half-century preceding Mary's reign, or from 1500 to 1550, it has been shown that a considerable advance in the money prices of commodities had taken place;² but the advance was still greater in the following half century, as appears by the table of prices collected by Sir Frederic Eden.

Wheat was 8s. and 13s. 4d. the quarter in 1550,

¹ In the *History of the Irish Poor Law*, at pp. 5-9, are some interesting extracts from the poet Spenser's *View of the State of Ireland*, written in 1596 (vol. viii. of his works, printed in octavo in 1805), showing, indirectly, the standard of civilisation by which he, as an Englishman, judged the condition of Ireland. His recommendation that a clear space should be kept on each side of public roads recalls the provisions of the English statute of Winchester (*ante*, p. 22) passed three hundred years earlier.

² *Ante*, p. 146.

and about the same in 1555 and 1561, after which year the price rose materially. In 1562 it was 17s. in April, and 22s. in December. In 1568 it was 13s. 4d.; in 1574 it was 24s.; in 1579 it was 16s.; in 1584 it was 20s.; in 1591 it was 18s.; in 1593 it was 12s.; in 1598 it was 18s.; and in 1599 it was 27s. the quarter in August, and 23s. in November. These are set down, not as the extreme, but as what appeared to be about the medium prices in the several periods. The fluctuations were, however, very great,—thus in 1554 the price of wheat was at one time 8s., at another 16s.; in 1560 the price in June was 16s., and in December 26s.; in 1565 the price was 15s. at the end of March, and in the January following it was 28s.; in 1573 just before Christmas it attained the famine price of 56s. the quarter, but in August of the following year it fell back to 24s. In 1586 it again rose to the enormous price of 53s., and in 1587 to 64s. in London, and 80s. in other places, and one quotation even gives it at the almost incredible price of 104s. In 1596 wheat in the early part of August was at 56s., at the end of the month it fell to 36s.; but shortly afterwards it again rose to 100s. Putting aside these extreme fluctuations, however, it appears that 10s. a quarter, which we have assumed to be about the medium price for wheat in 1550,¹ advanced to 23s. and 27s. the quarter in 1599, being an apparent increase of above 100 per cent. in the money price of the article within that period. The prices of other grain corresponded nearly with the price of wheat. In 1562, when wheat was 10s. a quarter, rye was 8s., barley 6s. 8d., and oats 5s. In 1590, when wheat was at 21s., rye was 17s. 6d., barley 13s. 4d. In 1595, when wheat was 44s., rye was 26s. 8d., and barley 20s. Towards the end of this year rye was imported from Denmark, and sold to the poor at 32s.

¹ *Ibid.*

the quarter, wheat being then at the famine price of 53s. 4d.

I refrain from quoting the prices of oxen, sheep, poultry, and a vast variety of other articles given in the tables, as these prices would much depend on size, quality, and other circumstances, about which no information is afforded; neither do I take into account the change made in the value of the silver coin in 1550,¹ the extent of which, although possibly considerable, cannot now, I believe, be accurately estimated. But after a careful examination of all the circumstances, it is, I think, impossible to doubt that a great and general increase in the money price of all the necessities of life took place in the course of the sixteenth century, and that the larger portion of such increase occurred in the latter half of the period, when the more rapid increase of wealth, and the generally improved condition of the great mass of the people, would naturally occasion a greater demand, and when, moreover the influx of the precious metals from the New World, which had been going on throughout the entire period, would necessarily cause them to be more abundant, and tend to advance the money price of commodities.

Rate of
wages.

With respect to wages, the last statute prescribing the amount to be severally paid to labourers, artificers, and others was passed in 1514,² and this did no more than re-enact 11 Henry VII. cap. 2, passed in 1495.³ The 5 Elizabeth, cap. 4, in 1562,⁴ does not venture to prescribe what wages are to be paid in each particular case, as was done in the preceding Acts; but, after reciting "that the wages and allowances limited and rated in the said statutes are too small, and not answerable to this time, respecting the advancement in prices of all things belonging to the said servants

¹ *Ante*, p. 146.

³ *Ante*, p. 100.

² *Ante*, p. 110.

⁴ *Ante*, p. 153.

and labourers,"—it goes on to express a hope that by recasting, consolidating, and duly modifying the said laws, "it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages." The Act then, as already shown, empowers the justices in quarter sessions to fix the rates of wages annually within their several divisions, and to proclaim and enforce the same under certain penalties.

If we compare the rates of wages established in 1495 by 11 Henry VII.,¹ and confirmed in 1514 by 6 Henry VIII.,² with the wages paid about the end of the reign of Elizabeth, it will be seen that an increase had taken place nearly corresponding with the increase in the prices of provisions. Thus in 1495 the wages of masons, carpenters, and other artificers, were by the statute fixed at 6d. a day in summer, and 5d. a day in winter, without diet; whilst in 1601 the wages of a mason or tiler are stated in the tables to be 1s. 2d. a day. In 1495 the wages of a day labourer were 4d., without diet—in 1601 they are set down in the tables at 10d. In 1495 the wages of a bailiff in husbandry were fixed at 26s. 8d., with 5s. for clothing; of a hine, carter, or shepherd at 20s., with 5s. for clothing; of a common servant in husbandry at 16s. 8d., and 4s. for clothing; of a woman-servant at 10s., with 4s. for clothing; and of a boy of fourteen at 6s. 8d., with 4s. for clothing. In 1593 the wages fixed by the magistrates of the East Riding of York, under the provisions of 5 Elizabeth, are, for a bailiff in husbandry, 33s. 4d., with 6s. 8d. for clothing; a chief servant or shepherd, 26s. 8d., with 6s. 8d. for clothing; a common servant in husbandry that can mow and plough, 23s. 4d., with 6s. 8d. for clothing; a woman-servant who can brew and bake, 13s., with 4s. for clothing; and a youth

¹ *Ante*, p. 100.

² *Ante*, p. 110.

under eighteen years of age, 16s., without allowance for clothing.

The rates of wages fixed by the justices at the quarter sessions held at Okeham, in the county of Rutland, on the 28th of April 1610, were, for a bailiff in husbandry, £2, 12s.; for the best sort of man-servant (say the hine, carter, or shepherd), £2, 10s.; for a common servant who can mow, £2; for a ploughman, £1, 9s.; for a woman-servant, £1, 3s. 4d.; and for a youth under sixteen, £1. These two latter rates are quoted from documents inserted in the appendix of Sir Frederic Eden's tables, and it may be further remarked that in 1544 it was found necessary to raise the wages of seamen in the king's ships from 5s. to 6s. 8d. a month.

Comparison of the rates of wages in 1495, 1593, and 1610.

On a general summary, it appears that the rates of wages at the three periods named, including the allowance for clothing, were as follows:—

| By the Year. | 1495. | 1593. | 1610. |
|--|--------|--------|-------|
| | s. d. | s. d. | s. d. |
| A bailiff in husbandry . . . | 31 8 . | 40 0 . | 52 0 |
| A hine, shepherd, or husbandry } servant of the best sort . . . } | 25 0 . | 33 4 . | 50 0 |
| A common servant in husbandry | 20 8 . | 30 0 . | 40 0 |
| An inferior ditto . . . | | 25 0 . | 29 0 |
| A woman-servant . . . | 14 0 . | 17 0 . | 23 4 |
| A youth under sixteen . . . | 10 8 . | 16 0 . | 20 0 |

| By the Day. | | | |
|---|--------------------------------------|----------------|-------------------------------|
| A mower in harvest, without meat } and drink } | 0 6 . | 0 10 . | 0 10 |
| A reaper or carter, ditto . . . | 0 5 . | 0 5 . | 0 8 |
| All other labourers } without meat and drink . . . } | in summer 0 4 . in winter . 0 3 . | 0 5 . 0 4 . | 0 7 0 6 |
| Artificers, without meat and drink . } | in summer 0 6 . in winter . 0 5 . | 0 8 } 0 7 } | on an } 0 10 average } 0 8 |

The rates severally proclaimed by the justices of the East Riding in 1593, and by the Rutlandshire justices in 1610, as above quoted, had, in all probability, especial reference to the circumstances of these districts, and cannot be taken as proofs of what was

done in other parts of the country. They may, however, be regarded as presumptive evidence, and, coupled with the lights obtained from other sources, they warrant the conclusion that an increase in the money rate of wages had taken place in course of the sixteenth century, equivalent to the increase in the price of the necessities of life within the same period. It could hardly indeed have been otherwise, for, if the labourer's earnings be not sufficient for maintaining him in health and vigour, he will not be able to perform the same amount of labour, if to labour at all. So that eventually the cost of subsistence, taken in its largest sense, may be said to govern the average rate of wages, conjointly, however, with the natural influence of supply and demand, and the requirements arising out of a higher or lower condition of the labouring class—each of which, no doubt, likewise affects the question. An excess of labour would lower its market value—an inferior social condition with respect to living, lodging, and clothing, might require less than one of a superior order—but sufficient for maintenance must still in some shape be afforded to the labouring class in order to secure the benefit of their labour.

On the whole, then, it may I think be assumed, that at the end of Elizabeth's reign, notwithstanding the increase which had taken place in the price of all commodities, the great mass of the English people were able, by a due exercise of industry, to obtain as large an amount of subsistence and physical enjoyment as at any former period; whilst the social improvements which had taken place, extended in no inconsiderable degree to them, enlightening their minds, improving their habits, and raising them to a higher and more independent position.

There was doubtless still much rudeness observable in the dwellings, manners, and general mode of living

of the great mass of the people; but the taint of former vassalage was now almost obliterated; they felt and acted as freemen, asserted their rights as such, and occupied very nearly their natural position. For the maintenance and further improvement of that position, no measure could have been better timed or better devised than 43 Elizabeth. By making provision for relief of the destitute, and for setting the idle to labour, it rescued society from the danger and demoralisation that would ensue from these classes being left to wander at large; and also from the heavy tax of supporting them as mendicants, which all experience shows, would have fallen most heavily upon the class raised but one degree above them, and therefore least able to bear the burthen, and most liable to be dragged down to the same low level.

We here conclude the first part of our work, to which the close of Elizabeth's reign forms a fitting termination. Of the many important incidents by which that reign was distinguished, the two which stand out most prominently, which are most approved, and which have borne and still bear most influentially on the character and condition of the English people, are the establishment of the Reformation and the organisation of an efficient Law for the relief of the Poor. The queen's high and heroic bearing under the impending dangers of invasion at the time of the Armada, and her generally admirable qualities as a sovereign, have secured her a place in the hearts of the people; but the Reformation and the Poor Law are the two great events by which her reign is connected, and as it were identified, with the current incidents of the present day, and by which it will never cease to be remembered.

PART THE SECOND

FROM THE ACCESSION OF JAMES THE FIRST TO THE END
OF THE REIGN OF ANNE

CHAPTER V

A.D. 1603–1625

Accession of James I.—Rates of wages—Dangerous rogues—Proclamation against incorrigible rogues—Overseers of the poor—Tippling in ale-houses—Conjurations and witchcrafts—Regulation of manufactures—Fisheries—Exportation of corn—The plague—Gunpowder Plot—Exportation of beer—Killing of game—Enactments against drunkenness—“ Levellers ”—Apprenticing poor children—Desertion of families—Houses of correction—Working-houses for the poor—Abolishment of monopolies—Women convicted of “ small felonies ”—Laws relating to Wales—Rate of interest—Prohibition of profane swearing—Infanticide—Exportation of corn—Advance in prices—State of England and Ireland—Commerce—Progress of the Poor Law.

It has been shown by what gradual steps, and through what a series of enactments, sometimes conflicting, and often marked by great severity, the legislature advanced to a recognition of the principle that property must be chargeable for the relief of poverty, and that the security of the one is endangered by the extremity of the other. The 43 Elizabeth was the matured fruit of this principle; and in order to show the necessity for such a measure, the various statutes which had been passed in the three or four preceding centuries for restraining mendicancy and for punishing vagabondage have been quoted, but which, having been framed in disregard of this principle, failed of the desired effect. Such other Acts have also been noticed as were calculated to affect or throw light upon the

condition of the people; and it is hoped that these notices will not be considered superfluous, or that the historical references introduced for the purpose of showing the state of the country at the several periods will be thought irrelevant. If there be a redundancy in either respect, it has been occasioned by a desire to afford the fullest information, and to place before the reader the best means of forming a correct judgment on a question of great social importance.

Mr. Hume remarks that the crown of England was never transmitted from father to son with greater tranquillity than it passed from the family of Tudor to that of Stuart. During the latter years of Elizabeth's reign, the people had very generally been led to regard James as her successor; and, the queen having with her dying breath recognised his title, the nation readily welcomed his accession. He was accordingly proclaimed immediately after the queen's decease, and messengers were despatched to require his presence in his new kingdom. At the time of his arrival, great sickness prevailed in London. The plague had broken out, and in the course of the year had carried off above 30,000 persons, or one-fifth of the entire population, the capital at that time containing little more than 150,000 inhabitants. The houses were chiefly built of wood, the streets were narrow, and the drainage and ventilation neglected; so that we cannot wonder at London's being then rarely free from plague, or some other pestilential disease. James's coronation took place on the 25th of July, but the prevailing sickness caused the assembling of Parliament to be delayed until the 19th of March of the following year.

James I.
1603-1625.

1603-4.
1 James I.
cap. 1.

The first Act of this Parliament (1 James I. cap. 1) is entitled "A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent,

and Right of the Crown"; and its second Act (1 James I. cap. 2) authorises the appointment of commissioners to treat with commissioners of Scotland "respecting the union of the two realms." Nothing, however, resulted from this commission, nor from others which were subsequently appointed in this reign. The time had not arrived when the Scotch and English nations could be fused into one people, and James was not an instrument fitted for accomplishing such a purpose. An Act was at the same time passed for the due execution of the law against Jesuits, seminary priests, recusants, etc., and imposing a penalty of £100 on persons resorting or sending children to foreign seminaries for the purpose of being "instructed, persuaded, or strengthened in the popish religion." This amounted to a declaration on the part of the king and parliament of their determination to maintain the reformed religion as then established, and must have served to quiet apprehensions and satisfy people's minds on this vital point.

1603-4.
1 James I.
cap. 2.

1603-4.
1 James I.
cap. 4.

It appears that doubts had arisen whether justices of the peace, under 5 Elizabeth, cap. 4,¹ were empowered to rate and settle the wages "of artificers, workmen, and workwomen, other than such as by some statute have been rated, or such only as did work about husbandry," and 1 James I. cap. 6 was now passed to remove these doubts. It directs that "the authority by the same statute given for assessing and rating wages, shall extend to any labourers, weavers, spinners, and workmen and workwomen whatsoever, either working by the day, week, month, or year, or taking work at any person's hand whatsoever, to be done in great or otherwise"; and further orders that this may be done by the justices in divisional sessions, as well as in county sessions, and the rates thus settled are to be proclaimed by the sheriff

1603-4.
1 James I.
cap. 6.

¹ *Ante*, p. 153.

Rating of
wages.

without being first transmitted to the lord chancellor. Clothiers are also specially subjected to a penalty of ten shillings for every case in which they fail to pay the wages so rated and proclaimed; and, in order to keep the seat of justice free from suspicion, it is directed "that no clothier, being a justice of peace in any precinct or liberty, shall be any rater of any wages for any weaver, tucker, spinner, or other artizan that dependeth upon the making of cloth." This was doubtless a proper provision, if a power for regulating wages was to be given at all; but why were not other employers of labour as well as clothiers prohibited from sitting in judgment on their own case,—every justice must have been an employer of labour of some kind, and yet the prohibition is only directed against clothiers.

1603-4.
1 James I.
cap. 7.

Immediately after the above, 1 James I. cap. 7 was passed, continuing and explaining 39 Elizabeth,¹ "for punishment of rogues, vagabonds, and sturdy beggars." It confirms the several provisions of the Act of Elizabeth, by which players of interludes and glassmen are, in certain cases, exempted from being punished as rogues and vagabonds, and declares that "from henceforth no authority given by any baron, or other honourable personage of greater degree, shall be available to free players of interludes from the pains and punishments in the said statute mentioned."² And whereas many notorious rogues and vagabonds travel about the country, professing the trade of glassmen, and committing many pickeries, petty felonies, and

¹ *Ante*, p. 182.

² The object of revoking the exceptions of the Act of Elizabeth, as regarded players, appears to have been to confine the performance of plays to the companies licensed by royal patent. This was not an enactment against players generally, for in their patents all mayors and other local authorities are commanded to aid and assist them. The original exemption was meant to protect players from being confounded with bearwards and mere showmen; and the present revocation was really to confer a monopoly upon the patented companies.

other misdemeanours," it further declares that all such persons as shall wander up and down the country to sell glasses, shall be deemed rogues and vagabonds, and suffer punishment accordingly.

By 39 Elizabeth,¹ justices in quarter sessions are empowered to banish dangerous rogues, or to condemn them to the gallies for life; but this provision is now declared defective, "for that the said rogues, having no mark upon them to be known by, may return or retire themselves into some other part of the realm where they are not known, and so escape the punishment the said statute did intend to inflict upon them" —for remedy whereof it is now ordained, that "such rogues as shall by the said justices be adjudged incorrigible or dangerous, shall be branded in the left shoulder with a hot burning-iron of the breadth of a shilling, with a great Roman R, upon the flesh, that the letter R may be seen and remain for a perpetual mark upon such rogue during his or her life, and thereupon be sent to the place of his dwelling, if he have any; if not, then to the place where he last dwelt the space of a year; if that cannot be known, then to the place of his birth, there to be placed to labour as a true subject ought." And if any rogue so punished shall offend again in begging or wandering, he is to be judged a felon, and suffer as in cases of felony without benefit of clergy. All persons are moreover required, under a penalty of 10s., to apprehend such rogues, vagabonds, and sturdy beggars as they shall see or know to gather or receive alms. These enactments equal in severity anything that appears in the older statutes, and it would seem therefore that the evil remained undiminished; while the abuses which resulted from the exceptions contained in Elizabeth's Act, by idle persons wandering about begging or thieving, under pretence of being players of inter-

¹ *Ante*, p. 182.

ludes or sellers of glass, show how impossible it is to set bounds to mendicancy, if the practice be sanctioned in any shape.

1603.

Proclama-
tion against
incorrigible
and danger-
ous rogues.

Before the assembling of Parliament in the previous year, James had issued a proclamation setting forth that it had appeared unto him, as well by his own view as by good and credible information from divers parts of the realm, "that rogues grow again and increase to be incorrigible and dangerous, not only to his loving subjects, but also to himself and his honourable council in and about the court"; and this is attributed partly to remissness on the part of justices and other officers, and partly to the fact that no place beyond the seas had been assigned to which such rogues might be banished. Wherefore it is directed, that such incorrigible and dangerous rogues should "be banished and conveyed to the New-found Land, the East and West Indies, France, Germany, Spain, and the Low Countries, or any of them." This was certainly an unwarrantable procedure on the part of James and his council. It gave early proof of his disregard of constitutional limits; and our neighbours of France, Spain, Germany, and the Low Countries, might justly complain of his inundating them with the incorrigible and dangerous rogues whom the proclamation describes as growing in England. But the late statute (43 Elizabeth) had not yet come into effective operation. The requisite machinery had been created for levying rates, for relieving the infirm poor, and for setting the able-bodied to work; and the necessary powers had been given to the justices and other authorities for punishing vagrants, and for the prevention of begging; but a considerable time would elapse before these provisions could be carried into general effect.

Overseers
of the poor.

A good deal seems to have been expected from the newly created office of "overseer of the poor."

The appointment of overseers is first directed by 14 Elizabeth, cap. 5,¹ but without any duties being specifically assigned to them. In 18 Elizabeth, cap. 3,² the designation is changed to that of "collectors and governors of the poor," whose duties are to collect contributions, provide materials, and direct and superintend the employment of the poor in cities and towns. By 39 Elizabeth, cap. 3,³ it is directed that the churchwardens in every parish, and four substantial householders appointed annually at Easter, are to be "the overseers of the poor," and are to levy the contributions ordered by the justices, and relieve the impotent poor, and raise stocks of materials for setting the able-bodied poor to work, and also to apprentice poor children. The 43 Elizabeth⁴ prescribes similar duties, with the important addition that the overseers are to make and collect the requisite rates for these purposes; but instead of four substantial householders, it requires "four, three, or two" to act with the churchwardens, as "overseers of the poor, in every parish," and such is the law at present. We thus see that it took successive legislation, from 14 to 43 Elizabeth, fully to organise the office and settle the duties of *overseers of the poor*.

There can be no doubt that the institution of these functionaries has in various ways been productive of important results, but apparently not greater than was expected from them at the time. I have met with a small book entitled *An Ease for Overseers of the Poor*, printed at Cambridge in 1601, and therefore most likely written before the passing of 43 Elizabeth in the same year. The subject is most elaborately treated in this work, under twenty-one distinct heads. The first treats "of the word overseer"; the second, of "what an overseer is"; the third, of "the diversity

"An Ease
for Over-
seers of
the Poor,"
printed in
1601.

¹ *Ante*, p. 156.

² *Ibid.*, p. 165.

³ *Ibid.*, p. 179.

⁴ *Ibid.*, p. 186.

of overseers"; the fourth, of "what persons are fit to be made overseers," and so on, with an amusingly quaint and sententious particularity. The author commences with an address "to all overseers," to whom he wisheth "care to their office, health to their bodies, and heaven to their souls." Then addressing the reader, he says, "I have set forth this treatise, not for ambition, as Nimrod did the Tower of Babel to get a name, not for vainglory, as Absalom did a pillar to preserve his name (for which cause I forbear my name), but of mere affection to my native country, to further it. If there be anything omitted, amend it; if there be something worth the following, use it; if it be a little defective, excuse it." He declares the office of *overseer* to be one of dignity and excellence, one "that may beseem the best and not the basest of men." These definitions are not, perhaps, calculated to afford much assistance to an overseer in the performance of his duties; but the work contains some useful hints and suggestions, and is written in so good a spirit, and with such an evident desire to give a right direction to the newly constituted office, both as regards the relief of the poor and the protection of the community against fraudulent claims, that it is impossible to peruse its quaint and formal pages without feeling respect for the writer. My chief reason for noticing the work, however, is to show that, so early as 1601, the office of *overseer* was considered of sufficient importance to warrant the issue of a publication from the University Press of Cambridge, explanatory of the objects and duties of the office, describing the persons most fitting to be appointed, and earnestly urging those who undertook it to labour diligently and conscientiously in fulfilment of what is required from them.

James appears to have set about reforming the habits and social institutions of his new subjects, im-

mediately that he arrived among them; and legislation was extremely active throughout his first parliament on a variety of domestic matters, to a few of which we will very briefly advert, as illustrative of the character of the period, and the prevalent condition of the people.

The 1 James I. cap. 9, is "An Act to restrain inordinate Haunting and Tippling in Inns and Alehouses."

1603-4.
1 James I.
cap. 9.

It declares that the ancient and true use of inns, alehouses, and victualling-houses, was for the relief and lodging of wayfaring people, and for supplying the wants of persons who are not able to provide victuals for themselves; and not for entertainment of lewd and idle people, to spend their money and their time in lewd and drunken manner. Wherefore it is ordered, under a penalty of 10s. for every offence, that no inn-keeper, victualler, or alehouse-keeper shall "suffer any person to remain and continue drinking or tippling, other than such as shall be invited by any traveller during his necessary abode there; and other than labouring and handicraftsmen in cities and towns, upon the usual working days, for one hour at dinner-time to take their diet; and other than labourers and workmen which, for the following of their work by the day or by the great, shall sojourn, lodge, or victual there"; and constables and churchwardens are subjected to a fine of 40s. if they neglect to levy penalties on the offenders. The price of ale and beer is likewise fixed by this Act—the strong or best quality at a penny the quart, and the small or inferior quality at a halfpenny the quart; and a penalty of 20s. is imposed on every alehouse-keeper who charges more, or uses a false or fraudulent measure.

Tippling in
inns and
alehouses.

The 1 James I. cap. 12, repeals 5 Elizabeth against conjurations, enchantments, and witchcrafts, and then

1603-4.
1 James I.
cap. 12.

"for the better restraining the said offences, and more severe punishing the same," it enacts, "that if any person shall practise or exercise any invocation or con-

Against
conjura-
tions and
witch-
crafts.

jururation of any evil and wicked spirits; or shall consult, covenant with, entertain, employ, feed, or reward any evil and wicked spirit; or take up any dead man, woman, or child, out of his or her grave, or the skin, bone, or any other part of any dead person, to be employed or used in witchcraft, sorcery, charm, or enchantment; or shall practise any witchcraft, enchantment, charm, or sorcery, whereby any person shall be killed, destroyed, wasted, consumed, pined, or lamed"; every such offender, being thereof duly convicted, is to suffer death without benefit of clergy or sanctuary. And to the intent that all manner of witchcraft shall be utterly abolished, it further enacts "that if any person shall take upon him by witchcraft or sorcery to tell in what place treasure of gold or silver might be had, or where things lost or stolen should be found; or to provoke any person to unlawful love; or whereby cattle or goods of any person shall be destroyed, wasted, or impaired; or to hurt or destroy any person in their body, although the same be not affected": every person so offending is to suffer imprisonment for one whole year, without bail or mainprise, and once in every quarter is to stand for six hours on the pillory, and there openly confess his misdoing. For offending a second time he is to suffer death as a felon. A belief in witchcraft in some form or other has prevailed throughout the world from an early period, and the extinction of this belief may be regarded as one proof of advance in civilisation and intelligence. But neither the sovereign nor his subjects at this time afforded such a proof—on the contrary, James himself was a firm believer in the "Black Art," and wrote learnedly, if not wisely, on the subject, and his people were little behind him in credulity. Their fears may be measured by the severity of punishment which this Act inflicts, and which has probably helped to perpetuate the belief; for even now, absurd

as it may be, there is not a county in Great Britain or Ireland in which the existence of witchcraft is not more or less credited.

Notwithstanding the regulations established in the last reign, the making of hats and caps is again forced on the attention of the legislature, and 1 James I. cap. 17, directs, that none shall be permitted to make hats who have not served an apprenticeship of seven years to the trade, under a penalty of £5 for every month he so transgresses; and aliens are prohibited, under a like penalty, from following the employment of hat-making. A long statute of no less than fifty-two sections (1 James I. cap. 22) was now also passed "concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather," on the ground that the former statutes on the subject "have been too sharp and rigorous, tying and binding the persons occupying the several mysteries or trades aforesaid to divers inconveniences and sundry matters and things impossible for them to perform; by reason of which strictness and rigour the same statutes have not been put in execution, but have been in effect wholly dispensed withal." This failure, and the reasons assigned for it, ought to have been a warning at that and all succeeding times, against attempting to regulate the details of trade and manufacture, which flourish best when left free from interference. The warning however was not taken, and an Act filling nine folio pages again prescribes what butchers, tanners, curriers, leathersellers, shoemakers, saddlers, girdlers, and searchers are to do, and what they are not to do, in the practice of their several callings. Nor did these Acts become a dead letter, since they remained and were enforced for many years.¹

1603-4.
1 James I.
cap. 17.

Hats and
caps.

1603-4.
1 James I.
cap. 22.

Use of
leather.

¹ In the Harleian Miscellany there is a charge to the grand jury at York in 1648, by Serjeant Thorpe, judge of assize, in which all these regulations are noticed as matters to be strictly observed.

1603-4.
1 James I.
cap. 29.

For en-
courage-
ment of the
fisheries.

An Act was also passed (1 James I. cap. 29) professedly for upholding "the navy of England," of which, the preamble declares, "the fishermen of England have ever been the chiefest seminary and nursery." It enacts that no sick or infirm person shall eat any beef, veal, pork, mutton, or bacon, in the time of Lent, or upon any day now observed as a fish-day; and butchers are prohibited from killing beasts in Lent, except for the use of the navy; and justices are empowered to enter victuallers' houses and search for and seize meat during Lent, and distribute the same to prisoners and other poor folks at their discretion. Whether these prohibitions against eating flesh were altogether owing to "certain politic constitutions for the maintenance of the navy," as is asserted in 5 Elizabeth,¹ may perhaps be doubted, but it is certain that much attention was at this time paid to the fisheries, which the restriction of the use of butcher's meat would certainly tend to promote. With a view of encouraging the fisheries, 1 James I. cap. 23 had likewise been passed "for the better preservation of fishing in the counties of Somerset, Devon, and Cornwall." It recites, that "the trade of fishing for herrings, pilchards, and seane fish within the above-named counties, is and hath been very great and profitable"; but that of late divers persons having lands adjoining the seacoast, have brought actions of trespass against such fishermen, etc., "and have recovered against them costs and damages, to their great loss and expense." For remedy whereof, and for the maintenance of the profitable trade of fishing, it is enacted that fishermen, balcors, huors, condors, guiders, etc., may enter lands near fishing-places to watch for and draw fish on shore, any law, usage, or custom to the contrary notwithstanding.

1603-4.
1 James I.
cap. 23.

¹ *Ante*, p. 153.

The 1 James I. cap 25, is for the most part a continuing statute, but its 2nd section provides, when the price of wheat shall not exceed 26s. 8d. the quarter, and of rye, pease, and beans, 15s. the quarter, and of barley or malt, 14s. the quarter, of current English money, "that then it shall be lawful for all the king's subjects to transport any of the said corns unto any foreign parts beyond sea, in vessels belonging to English-born subjects," paying an export duty of 2s. a quarter on wheat, and 16d. a quarter on all other grains. But the king is nevertheless empowered to prohibit such export at any time by his royal proclamation, a necessary precaution at a period when the fluctuations in price and in produce were so great, and often so sudden.

1603-4.
1 James I.
cap. 25.

Exporta-
tion of corn
permitted.

Another Act of this session requiring notice, is 1 James I. cap. 31, "for the charitable relief and ordering of persons infected with the plague." It recites that the inhabitants of divers places visited with the plague are unable to relieve the poorer sort of people, and that divers persons infected with that disease, and others inhabiting houses infected, when commanded to keep in their houses, "do notwithstanding very dangerously misdeemean themselves"; and therefore mayors, justices of peace, and other head officers in cities and towns, are empowered to assess the inhabitants for the relief of the infected persons, and the inhabitants of the county within five miles of the place infected may also be assessed in aid of any city or town, should it be found requisite. And "if any infected person commanded to keep house shall, contrary to such commandment, wilfully go abroad and converse in company, having any infectious sore upon him uncured, then such person shall be deemed a felon, and suffer death as in case of felony; but if such person shall not have any such sore found about him, then he is for his offence to

1603-4.
1 James I.
cap. 31.

Relief for
persons
infected
with the
plague.

be punished as a vagabond in all respects as is provided by the statute 39 Elizabeth.”¹

The severity of these punishments shows the fearful nature of the evil, and the dread its visitations inspired. The population of London, and of the towns generally, had gone on increasing with the growing wealth of the country, and this at a ratio exceeding the increase of habitations. Hence the lower and working classes in London and other great towns were crowded into insufficient and unhealthy dwellings, so that, whenever disease or a tendency to disease from any cause occurred, it found objects prepared for its reception, and fitted to cherish and disseminate the pestilence in its most virulent form. The 35 Elizabeth, cap. 6,² is especially directed against this evil of overcrowding, although the restriction it imposes on the erection of new buildings does not seem calculated to prevent the crowding of the old; but like this Act of James, it shows that the labouring population were pressing upon the towns, and that disease, pestilence, and want were the consequence. Hence, probably, may also have arisen the dread which prevailed about this time of dispeopling the country districts, and the admonitions which James was in the habit of addressing to the gentry and others frequenting the metropolis, “to go reside on their estates, and attend to their farming.”

The commerce of England at this time was nearly all centred in London, for whilst the other ports of the kingdom only yielded £17,000, the customs of the port of London amounted to £110,000; but the trade was in the hands of a small number of persons, who, residing in the heart of the city, would naturally wish to keep danger at a distance, and prevent the influx of a larger number of the labouring class than were required or could be usefully employed.

¹ *Ante*, p. 182.

² *Ante* p. 176.

Parliament was summoned to meet on the 5th of November, a day memorable for what is called the "Gunpowder Plot," which caused the actual meeting to be deferred to the 21st of January following, when their first Act was to direct a public thanksgiving for the preservation of the king and parliament, and to order that prayers should be said yearly in every church on the 5th day of November. The discovery of this most atrocious plot on the eve of its execution—but for which, as the Act recites, "the King, the Queen, the Prince, and all the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, would suddenly have been blown up with gunpowder"—excited intense alarm throughout the country, and produced its natural fruit in the imposition of penalties and restrictions on all persons professing the Roman Catholic religion.

1605.
The Gun-
powder
Plot.

1605-6.
3 James I.
cap. 1.

The people had now become almost wholly Protestant, the Romanists being numerically insignificant compared with the entire population. It is true that many Protestants, and some of them men of great learning and exemplary character, were not in communion with the established Church; but their dissent from it was not on essential points of doctrine, but on questions of Church government, and the less important matters of form and ceremonial, too much of which they averred had been retained at the Reformation. The great bulk of the people however belonged to the established Church. They had a part assigned to them in its services; they took the rule of faith from its teaching; and they regarded it as an essential part of the government, parochial as well as general. This attempt to destroy at one blow the heads of both Church and State, could not therefore fail to excite the bitterest animosity and distrust, not in churchmen only, but in Protestants of every class; for each alike saw that the hostility of

the Romanists was directed against all who differed from them, whether churchmen or dissenters, and that they would stop at nothing to accomplish their ends. The cry against Papists therefore became loud and general, and there can be no doubt that they were for a long time afterwards exposed to much harassing oppression, the remembrance of "the Popish plot" keeping alive the hostile feelings to which it naturally gave rise.

1605-6.
3 James I.
cap. 11.

Beer may
be ex-
ported.

The 3 James I. cap. 11, after reciting 1 James I. cap. 25, by which exportation is permitted when the market price of corn does not exceed a certain amount,¹ goes on to declare that by exporting beer the customs and poundage will be much greater than when barley and malt are exported whereof the beer is made, and that the navy and mariners will be more increased, the tillage cherished, divers port-towns greatly comforted, many of his Majesty's subjects thereby employed, and the coopers and brewers better enabled to maintain themselves and their families. These are no doubt cogent reasons for permitting the exportation of beer, and it is accordingly enacted that, when the price of malt does not exceed 16s. a quarter, beer may be exported on paying a duty of 10s. per tun. The reasoning in this Act shows some advance in sound commercial principles, and the desire manifested to increase the people's comfort, by extending the means of legitimate employment, is worthy of all praise.

1605-6.
3 James I.
cap. 13.

The 3 James I. cap. 13, is entitled "An Act against unlawful Hunting and Stealing of Deer and Conies." After stating that, by reason of the insufficiency of previous statutes, "many riots, manslaughters, mischiefs, and other inconveniences have been daily committed, and are like to be committed, if circum-spect remedy be not hereunto provided," it enacts

¹ See *ante*, p. 219.

that if any person shall wrongfully break into any park or other grounds used for keeping, breeding, and cherishing deer or conies, and shall hunt, drive, or chase about, or take, kill, or slay any such deer or conies, against the will of the owner, he shall on conviction suffer three months' imprisonment, and pay treble the amount of damages and costs, and find sureties for his good behaviour for seven years after, or else remain in prison during that time. Qualified persons, having lands or hereditaments of the clear yearly value of £100, are empowered to take from unqualified persons (that is, persons not possessing lands or hereditaments of the clear yearly value of £40, or not worth in goods and chattels the sum of £200), any guns, bows, crossbows, buckstall or engines, hayes, gatenets, pursnets, ferrets, or cony dogs, which may be found in their possession.¹ The king's fondness for hunting may have here had some influence. His inordinate devotion to field sports is noticed by all writers. It in fact amounted to a passion, for the indulgence of which he too often neglected the duties of his high station.

Hunting
and killing
deer, etc.

The facility for breaking the law, in the then comparatively unenclosed state of the country, must have been very great, yet probably not greater than when, as has more recently been seen, preserves were kept so thickly stocked with game as to make the temptation to invade them almost too strong to be resisted. The first breach of the law, with respect to game, as in other instances, is very apt to lead to others. A man begins with poaching, and ends with

¹ The qualification is in this Act much higher than in 13 Richard II., *ante*, p. 60, by which a layman possessing lands or tenements of the annual value of 40s., and a priest or clerk having £10 a year, were held qualified to keep dogs, etc., for taking game. The limit now is raised to £40 a year, instead of 40s., and persons possessing £100 a year are empowered to take their guns, dogs, nets, etc., from all who are not thus qualified.

felony. But in his progress between the two, he does not move singly. His example influences others, sons, brothers, companions, friends, accompany him to the woods, partaking of the danger, and participating in its fruits; for poaching is in truth a species of adventure, fraught with peril and uncertainty, and hence perhaps much of its attraction. A day of steady labour will bring certain although may be small remuneration,—a night spent in poaching may possibly yield a large reward. In one case there is certainty, in the other there is room for hope, and it is needless to say that men of active, ardent temperaments will be apt to give a preference to the latter; and of such men, poachers do, and ever have, for the most part consisted. To bring such persons within the limits of social order, and array them on the side of the law, should be a chief object in legislation; but the game-laws, by seeking first to create, and then to protect, a species of property scarcely recognised as such, and hardly susceptible of protection, have from their very origin to the present time had a contrary tendency; and by the imposition of restrictions and severe penalties, under circumstances presenting great facilities for evading, and great temptations to commit a breach of the law, have served to generate a spirit of resistance to lawful authority, and consequently tended to the demoralisation of the people.

The game-laws.

1606-7.
4 James I.
cap. 1.

The parliament reassembled in November, and its first Act was 4 James I. cap. 1, "For the utter Abolition of all Memory of Hostility between England and Scotland, and for the repressing of occasions of Discord and Disorders in time to come." Various old statutes were repealed, and new enactments established, with the view of promoting a good feeling and free intercourse between the two countries. Their entire union was ever a leading object with James. He saw that if united the countries would be strong,

whilst disunited they would both be comparatively weak. His conduct was however, on this as on many other occasions, calculated to produce results the reverse of what he intended; for he gathered so many of his northern countrymen about him, and was so injudiciously profuse in the gifts he bestowed upon them, that he made his new subjects of the south jealous and discontented, and thus perhaps helped to prevent the approximation of the two kingdoms, the sovereignty of which was united in his person.

Shortly after the above, 4 James I. cap. 5 was passed for repressing the odious sin of drunkenness. The preamble recites that the loathsome sin of drunkenness has of late grown into common use, and that it is "the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God." A penalty of five shillings is then imposed on all persons convicted of drunkenness, leviable by distress if not paid within a week; and if the offender shall not be able to pay the penalty, he is to be committed to the stocks, there to remain the space of six hours for every offence. This statute is an extension of 1 James I. cap. 9,¹ and it possibly may have had some effect in checking an evil, the consequences of which it so well described.

But a more effectual preventive of this and other low sensual habits, would have been the diffusion of education and the spread of intelligence. The time had not, however, arrived for resorting to such a remedy. Repression was a more obvious and easy process. Punishment might be immediately applied;

1606-7.
4 James I.
cap. 5.

¹ *Ante*, p. 215.

but to raise the moral perceptions and social habits of a people, required an amount of persevering effort which neither James nor his parliament was prepared to exercise. After an interval of seventeen years, the vice of drunkenness was again denounced by 21 James I. cap. 7, which, after reciting and continuing the two previous statutes, enacts that the testimony of one witness, or the confession of the party himself, shall be sufficient for conviction; and also that a justice of peace, or the head officer in a city or town corporate, may on his own view convict an offender and enforce the penalty, and on a second offence may require surety for future good behaviour.

It is not unlikely that the legislature may have sought, by these repeated enactments against "this odious and loathsome sin of drunkenness," to counteract the example of the Court, where great riot and excess prevailed. The king himself not unfrequently indulged too freely in drinking, and his courtiers would of course not be behind him in this respect. On the occasion of the visit of his brother-in-law, the King of Denmark, about this time, the feasting and carousing are described as having been carried to a disgusting excess, and are said not to have been confined to the men, but to have extended to the ladies of the Court, and even to the queen herself. It is difficult at the present day to give credence to such statements, yet they are so well authenticated as not to admit of reasonable doubt.

1607.
Riots of the
"Level-
lers."

In the summer of 1607 riotous assemblages took place in the counties of Warwick, Leicester, and Northampton, avowedly for the purpose of demolishing enclosures. It was at first supposed that these assemblages were in some way connected with the designs of the Roman Catholics, and considerable alarm for a time prevailed; but it soon appeared that the sole object of the rioters was to level the fences,

and lay open to common use lands which had been recently enclosed, and hence they took the name of "Levellers." Much sympathy was manifested for them wherever they came, the popular feeling being generally strong against enclosures of common and waste lands, a proof that agriculture was then in a backward state. The rioters committed no act of violence, except levelling the fences, and were easily suppressed; but certain of their leaders suffered death for the part they had taken in this insurrection.

The parliament was prorogued in July, and an interval of nearly two years and a half elapsed before it was again assembled, when one of its earliest Acts was 7 James I. cap. 3, providing for the right application of money given for apprenticing poor children. The preamble recites that great sums of money have already been given, and that more is likely to be given in future, to be continually employed in binding out the poorest sorts of children as apprentices to trades and needful occupations, which "hath brought great profit unto those cities, towns, and parishes, where the said moneys have been so employed"; and but for which such children would be brought up in idleness, "to their utter overthrow, and the great prejudice of the common wealth." Therefore, in order that other well-disposed people may "be encouraged in bestowing money to the same good and godly purposes," it is enacted that all money so given shall for ever continue to be used for such purposes only, and that corporations in cities and towns corporate, and in parishes and towns not corporate the parson or vicar, together with the constables, churchwardens, and overseers of the poor for the time being, "shall have the nomination and placing of such apprentices, and the guiding and employment of all such moneys as are so given for the continual binding forth of such apprentices." Masters are required to give security for

1609-10.
7 James I.
cap. 3.

Bequests
for appren-
ticing poor
children.

returning the money at the expiration of the apprenticeship, or in case of the death of the apprentice or the master; so that the *use* of the money advanced, and the services of the apprentice, are the master's only reward. There is no absolute payment with the apprentice, but the capital contributed by "well-disposed people" will remain under the control of the trustees, to be placed out and returned, from time to time, as occasion requires. The amount was very considerable, but like other benevolences of a like nature, these bequests have in the course of years been greatly abused.

1609-10.
7 James I.
cap. 4.

The above Act was immediately followed by that of 7 James I. cap. 4, "For the due execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and Sturdy Beggars, and other lewd and idle Persons." After reciting that "divers good and necessary laws have been made for providing houses of correction for the suppressing and punishing of rogues and vagabonds, and other idle, vagrant, and disorderly persons, which laws have not wrought so good effect as was expected, as well for that the said houses of correction have not been built, as for that the said statutes have not been duly and severely put in execution"—it directs that all such laws shall be duly executed, and that houses of correction shall be provided in every county, "with convenient backside thereunto adjoining, together with mills, twines, cards, and suchlike necessary implements to set the said rogues, etc., on work"; and if in any county no such house of correction shall be provided by Michaelmas of the following year, the justices of the county are each to forfeit the sum of £5. Governors are to be appointed to these houses, with authority to set such rogues, vagabonds, and idle persons as may be brought thither to work and labour, and to punish them by putting fetters or gyves upon them, and by moderate whipping;

Houses of
correction
for setting
to work
idle and
disorderly
persons.

and these rogues, vagabonds, and disorderly persons are moreover "in no sort to be chargeable to the county for any allowance, either in bringing or in going forth, or during the time of their abode there," but are to have such and so much allowance only as they shall deserve by their own labour and work.

The justices are further directed to assemble twice in every year at the least, within their several divisions, and oftener if there be occasion, and cause to be made "a general privy search in one night within their said hundreds, towns, villages, and hamlets, for finding out and apprehending rogues, vagabonds, wandering and idle persons, who are to be brought before the justices to be examined, and there punished, or else sent to the house of correction; "and the constables and tithing-men of every hundred, parish, town, village, and hamlet, are to appear before the justices at their said assemblies, and there give an account upon oath in writing, and under the hand of the minister of every parish, what rogues, vagabonds, and wandering and disorderly persons they have apprehended, and how many have by them been punished, or otherwise sent to the house of correction." Lewd women, having bastards chargeable, are directed to be committed to the house of correction, there to be punished and set to work during the term of one whole year, and persons deserting their families are to be deemed and punished as incorrigible rogues.

Privy
search for
rogues and
vagabonds.

The 8th section of this statute recites, "that many wilful people, finding that they, having children, have some hope to have relief from the parish wherein they dwell, and being able to labour and thereby to relieve themselves and their families, do nevertheless run away and leave their families upon the parish";—for remedy of which it is enacted, that all such persons so running away, shall be punished as incorrigible rogues. And it is also further enacted, "that if either such man

Punish-
ment of
desertion of
families.

or woman, being able to work, shall threaten to run away and leave their families as aforesaid, the same being proved by oath of two witnesses before two justices of peace, the said persons shall be sent to the house of correction (unless he or she put in sufficient sureties for the discharge of the parish), there to be dealt with and detained as a sturdy and wandering rogue." Ten years had not yet elapsed since an efficient measure for the relief of the poor was established, and yet we see attempts were already made to pervert it into a means of evading the natural duty of parents to provide for their offspring. The effort thus early made by the legislature to arrest and punish such attempts, shows how closely the working of the new law was watched, and with what promptitude a remedy was sought to be applied whenever an abuse became apparent. The remedy provided in this case was probably to some extent effective, but the evil has continued more or less to prevail, and is perhaps only to be entirely prevented by the better instruction of the people, especially those of the lowest grade, by whom such an abuse of the law is alone likely to be attempted.

This Act shows, among other things, how effective the local organisation had then become. Not only were the justices to assemble, at stated periods, within their divisions, for the repression of vagabondism and disorder, but the several constables and tithing-men were also required to attend and deliver written reports, authenticated by the minister of the parish. The parochial authorities must necessarily have been rising every year into greater importance since the passing of 43 Elizabeth, by which so large an addition was made to their duties; and with the fulfilment of these duties there would be a general and increasing desire for local self-government, and a general and increasing competency for discharging

its functions—which competency has long formed a distinguishing characteristic of the English people. The directions for providing one or more houses of correction in every county, for punishing the idle and disorderly and for setting them to work, is also a matter of much interest, especially with reference to subsequent legislation. This provision was in fact a necessary addition to the great Act of Elizabeth, since needful relief must often include shelter; and destitution would not unfrequently be accompanied by disorderly habits, and the houses in which individuals bred in such habits are sheltered and relieved, would therefore of necessity be to some extent places of restraint, if not of actual punishment. This appears to have been the view of the legislature with respect to these “houses of correction,” in which it was proposed to combine punishment and employment, the idle to be employed, the disorderly punished; and which were moreover intended to be in great measure self-supporting, the inmates being restricted “to such and so much allowance only as they shall deserve by their own labour.” “Houses of correction” are first noticed in 18 Elizabeth, cap. 3,¹ by which “one, two, or more abiding-houses” are directed to be provided in each county. They are again noticed in 35 Elizabeth, cap. 7, and also in 39 Elizabeth, cap. 4,¹ by which certain impediments to the full exercise of this permission to give lands for the purpose were removed, and such permission was likewise extended, “with as great ease and little charge as may be,” to “hospitals, maisons de Dieu, abiding-places, or houses of correction.” From these beginnings sprang up, in the course of five-and-thirty years, the comprehensive provisions of this Act of James the First.²

Houses of
correction.

¹ *Ante*, pp. 165 and 182.

² In 1672 the Scottish Legislature testified their approval of this system by passing an Act (1672, Charles II. cap. 16), framed on the above statute, for the establishment of correction houses in that country. In

New parliaments.

A new parliament assembled in April 1614, and another on the 30th of January 1621, which met again on the 20th of November in that year, after being twice prorogued, but no legislation took place until 1624. During this long interval of nearly fourteen years the struggle for determining the respective limits of the kingly and the popular powers was continued, and not without feelings of exasperation on both sides: the king claiming an authority almost absolute, the parliament striving to confine it within constitutional limits. This struggle prevailed throughout the whole of James's reign, without any abatement of pretension on his part; but, happily for himself and the country, he was more vigorous in speculation than in action—more bold in advancing claims than in enforcing them; and so the final contest was deferred to the reign of his successor, who had imbibed his father's high notions of prerogative, and in his efforts to establish them as the groundwork of his government forfeited his own life, and caused for a time the extinction of monarchy in England. These stirring events do not, however, fall so immediately within the scope of our present subject as to call for lengthened notice; but as they unquestionably had, both at the time and afterwards, an important influence on the condition of the people, some reference to them will be necessary as we proceed.

The king's improvidence and extravagant habits always kept him needy, and much of his ingenuity, or what he called "kingcraft," was exercised in devising means for supplying his daily wants. Parliament would not grant him subsidies, without his first making concessions, which would trench on what he

spite, however, of this and subsequent enactments to the same effect, not one single Scotch correction house appears to have ever been built. They seem, nevertheless, to have succeeded to some extent in England (*post*, p. 233). See *Hist. Scotch Poor Law*, pp. 71, 72, 85-87.

considered his prerogative royal; and he seems to have made up his mind to dispense with parliament altogether, and rely upon other means for meeting his necessities. Various expedients for raising money were resorted to. He restored the cautionary towns, mortgaged to Elizabeth by the Dutch, on their paying him £250,000. The enormous fines occasionally imposed by his Court of the Star Chamber, replenished his exchequer from time to time. "It is said that some Dutch merchants paid fines to the amount of £133,000 for exporting gold coin,"¹ and great reliance was placed on the so-called benevolences, exacted on the king's sole authority—in short, no expedient was left untried for furnishing the means of indulging his own expensive habits, and gratifying his needy favourites. But James's necessities at length compelled him again to have some recourse to parliament, which met several times between January 1621 and February 1622, when it was again dissolved, without anything having been done, except an exposition of grievances by the Commons, and the assertion of high prerogative by the king. In these questions the people now began to take an interest, and the Commons, backed by popular support, were encouraged to press their demands with greater boldness.

Parliament was, however, again assembled in February 1624, and its first Act (21 James I. cap. 1) is entitled "An Act for the erecting of Hospitals and Working-houses for the Poor." It continues and makes perpetual 39 Elizabeth, cap. 5,² which is declared to be "a good law"; and it further enacts that the hospitals, houses of correction and abiding-places, erected or to be erected according to the purport of that statute, shall be incorporated, and

1623-24.
21 James I.
cap. 1.

Hospitals
and work-
ing-houses
for the
poor.

¹ Hallam's *Constitutional History*, vol. i. p. 336, 4th edition.

² *Ante*, p. 185.

have perpetual succession. We may presume therefore that the experience of their working had shown that they were beneficial. The passing of the present Act affords a striking proof of the importance at this time attached to questions in any way affecting the poor, since, notwithstanding the excitement of the period, and the peculiar circumstances connected with the assembling of the parliament, its first Act was directed to this object.

1623-24.
21 James I.
cap. 3.

Patents and
monopolies
abolished.

The 21 James I. cap. 3, passed shortly after the preceding, is entitled "An Act concerning Monopolies and Dispensations." The right of granting monopolies, patents, and dispensations, had been assumed and largely exercised by all the Tudor sovereigns; and towards the end of Elizabeth's reign the practice had been carried to such an extent, that it required all the reverence felt for that great princess to keep the country quiet under the infliction. James persisted in exercising the same prerogative, notwithstanding the remonstrances and complaints to which it gave rise; and although negotiations on the subject had on several occasions taken place between him and the Commons, there had been no direct abandonment of this power, neither was it authoritatively abrogated, until the passing of the present Act, which enacts that all licences and letters-patent "for the sole buying, selling, making, or using anything within this realm," or against the tenor of any law or statute, and all proclamations tending to the furthering or countenancing of the same, are, and shall be, utterly void and of none effect. The prerogative was thus formally declared subordinate to law, and, by putting an end to these iniquitous monopolies and exclusive privileges, industry was released from shackles which had long cramped its efforts, and a future, free and untrammelled, was opened out to the active and enterprising of every class.

The 21 James I. cap. 6, is entitled "An Act concerning Women convicted of Small Felonies." It appears that women so convicted were not previously entitled to benefit of clergy, by reason whereof, it is said, "many women do suffer death for small causes"; and it is now enacted that any woman convicted of taking money, goods, or chattels, above the value of twelve pence, and under the value of ten shillings, in a like case as a man might have his clergy, "shall, for the first offence, be branded with a hot burning-iron upon the brawn of the left thumb with the letter T," and be further punished by imprisonment, whipping, stocking, or sending to the house of correction, in such sort and for so long time (not exceeding a year) as the judge or justices shall think meet, according to the quality of the offence. May not the removal of this unequal action in the law, by reason of which "many women do suffer death for small causes," be taken as an indication that respect for females was increasing with increasing wealth and civilisation? This would be a natural consequence of the spread of intelligence, as the want of such respect, and an undue depression of the female, may be looked upon as characteristic of ignorance and brutality.

1623-24.
21 James I.
cap. 6.

Women
convicted
of "small
felonies."

Two statutes were at this time enacted respecting Wales—one, 21 James I. cap. 9, entitled "An Act for the Free Trade of Welsh Cloths"; the other, 21 James I. cap. 10, repealing a statute of Henry the Eighth, which empowered the king, at his discretion, to alter the laws of Wales. This last recites that the Welsh people have been constantly loyal and obedient, and lived in all dutiful subjection to the Crown of England, and that it is "manifest by long experience that the laws and statutes ordained for that country are in effect agreeable to the laws of England, and are obeyed with great alacrity." The statute of Henry the Eighth is then repealed, and it is declared that neither

1623-24.
21 James I.
caps. 9 and
10.

Improved
state of
Wales.

the king nor his successors shall have power to change or make laws concerning the principality of Wales in future. The statute first named (cap. 9) recites that "The trade of making Welsh cloths, cottons, friezes, linings, and plaines hath been of long continuance, in the exercising whereof many thousands of the poorer sort of the inhabitants have been set on work in spinning, carding, weaving, fulling, cottoning, and shearing, whereby they not only maintained themselves and their families in good sort, but also grew to such wealth and means of living as they were thereby enabled to pay all duties, mizes, charges, subsidies, and taxations imposed or rated upon them for *the relief of the poor*, and for the service of the king and common wealth." And it then proceeds to abolish certain restraints exercised by the drapers of Shrewsbury over the dealings of their Welsh neighbours, who are thenceforth empowered to sell or barter freely to or with any persons at their pleasure.

Both these statutes possess much interest. The one shows that the interval since Edward the First annexed Wales to the English Crown in 1284, had served to remove former hostile feelings, and bring the two people into amicable relationship; so that it was determined to abolish every vestige of distinction between them. The fact noticed in the preamble of the other, shows that the poor-rate had now been established in Wales, and was deemed of so much importance as to be specially named, and that even before the contributions for the service of the king and commonwealth. Another instance of the growing importance of the Poor Law is shown in an Act passed at this time (21 James I. cap. 12), extending to churchwardens and overseers of the poor the protection of 7 James I. cap. 5, "for ease in pleading against troublesome and contentious suits," as fully as if they had been specially named therein.

1623-24.
21 James I.
cap. 12.

In the same year "An Act against Usury" (21 James I. cap. 17) passed the legislature. It recites, that there was at that time "a very great abatement in the value of land, and other merchandises, wares, and commodities"; and that divers persons, as well the gentry as merchants, farmers, and tradesmen, had for their necessary occasions borrowed sums of money, etc., but that, by reason of the said general fall in the value of lands and the prices of commodities, "and the interest on loans continuing at so high a rate as *ten pounds in the hundred*, men are unable to pay their debts and continue the maintenance of trade, but are forced to sell their lands and stocks, and give over their leases and farms, to the great hurt and hindrance of the common wealth." This is followed by an enactment reducing the interest to *eight per cent.*, and declaring all bonds and contracts for a higher rate invalid; and that every person who shall take or receive a higher rate of interest, directly or indirectly, shall forfeit treble the value of the amount lent. *Ten per cent.* had been the limit established in 1545 by 37 Henry VIII., and was no doubt a high rate of interest, but the price of capital, like other prices, is governed by its relative abundance or scarcity; and there cannot perhaps be a stronger proof of the increase of wealth in any country than a reduction of the rate of interest, where such reduction takes place through the operation of natural causes. In the present instance we see that the reduction to eight per cent. was forced, but it assuredly would not continue unless the previous rate had been higher than circumstances warranted, as was probably the case.

In the same session was passed 21 James I. cap. 20, entitled "An Act against Swearing and Cursing." The object of this Act is similar to that of one passed in 1606 (3 James I. cap. 21). It declares that "all

1623-24.
21 James I.
cap. 17.

Interest
reduced to
8 per cent.

1623-24.
21 James I.
cap. 20.

Against
profane
swearing.

profane swearing and cursing is forbidden by the word of God," and enacts, that if any person shall so do in the hearing of a justice of peace, or the mayor, bailiff, or other head officer of a city or town, or shall thereof be convicted on the oaths of two witnesses, "every such offender shall, for every time so offending, forfeit and pay to the use of the poor the sum of twelve pence"; and the constable, churchwardens, and overseers of the poor are empowered to levy the same by distress and sale of the offender's goods. It is likewise directed "that this Act shall be read in every parish church by the minister thereof, upon the Sunday, after evening prayer, twice in the year." This reading of the Act in the churches seems well calculated for securing attention to its provisions, and is proof of an earnest desire to put an end to the vice of swearing. It may perhaps also be regarded, if not as a direct reflection on the king, at least as intended to counteract his example; for James is described as being an habitual swearer. When he gave his royal assent to this statute, he must therefore, one would imagine, have felt some twinge of conscience, unless indeed he took the lines of our great poet in their literal sense, and held—

"That in the captain's but a choleric word,
Which in the soldier is flat blasphemy."

1623-24.
21 James I.
cap. 27.

The 21 James I. cap. 27 is styled, "An Act to prevent the murthuring of Bastard Children." By 18 Elizabeth, cap. 3,¹ the parents of bastard children are compelled to contribute towards the maintenance of their child, failing in which they are to be committed to gaol; and these provisions are continued by 43 Elizabeth, cap. 2. There are no means of ascertaining how far this was effective in checking bastardy, but we may presume that it was so to some extent. The

¹ *Ante*, p. 165.

penalties are imposed alike on both the parents, but the burthen would fall with most certainty and most heavily on the mother, which seems to have led to the practice of infanticide, now first noticed in the statutes. The present Act recites, "that many lewd women, to avoid their shame and to escape punishment, do secretly bury or conceal the death of their children, and after, if the child be found dead, the said woman do allege that the child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said child or children were murdered by their lewd mothers, or by their consent or procurement." For preventing "this great mischief" it is now enacted, "that if any woman, being delivered of a live bastard child, shall endeavour by privately drowning or secretly burying, or any other way by herself or others to conceal the death thereof, as that it may not come to light whether it were not born alive or not, in every such case the mother so offending shall suffer death, as in the case of murder, unless such mother can make proof, by one witness at the least, that the child (whose death was by her so intended to be concealed) was born dead." If this enactment should be thought to indicate a low state of morality at that time, it may, on the other hand, be said to afford proof of an increased regard for human life. The unnatural crime of infanticide, in some shape or other, has perhaps always more or less prevailed; but it is doubtless an imperative duty to endeavour to prevent it, and this is the object of the present Act, which forms the groundwork of all subsequent legislation on the subject.

The 21 James I. cap. 28, is entitled "An Act for continuing and reviving divers Statutes," but it likewise contains important provisions on other matters. It totally abolishes the privilege of Sanctuary. It repeals the injudicious laws of Henry the Eighth,

1623-24.
21 James I.
cap. 28.

Prices at
which ex-
portation
of corn is
permitted.

Edward the Sixth, and Elizabeth, for preventing the decay or letting down of houses, and for the increase of tillage; and it sanctions the exportation of corn when the prices in the home market do not exceed—wheat, 32s. the quarter; rye, 20s. the quarter; peas and beans, 16s. the quarter; and barley or malt, 16s. the quarter. Wheat is subject to a custom duty on exportation of 2s. per quarter, and other corn to a duty of 16d. per quarter; but it is provided that the king may, at any time prohibit the exportation of corn.

A proclamation had previously been issued for establishing public magazines, and empowering commissioners to purchase and deposit corn therein, whenever the prices fell below 32s. a quarter for wheat, 18s. for rye, and 16s. for barley. Very little wheat was at this time consumed by the lower orders, their bread being mostly made of barley, as indeed is still the case in some parts of England.¹

If the above prices are compared with the prices below which corn was permitted to be exported in 1604, under 1 James I. cap. 25,² it will be seen that a considerable rise had taken place in the intervening period.

| In 1604 corn might be exported when the price was below | | | In 1624 corn might be exported when the price was below | | |
|--|--------------|--------------|--|----------|--------------|
| Wheat | . 26s. 8d. | per quarter. | Wheat | . 32s. | per quarter. |
| Rye | . . 15s. 0d. | „ | Rye | . . 20s. | „ |
| Barley | . 14s. 0d. | „ | Barley | . 16s. | „ |

It appears, therefore, that in the course of twenty years there had been, on an average, a recognised advance of 5s. 4d. a quarter (or 20 per cent.) in the price of

¹ Sir Frederic Eden (1797) remarks: "Potatoes, which are now used by the poor in every part of England, were in King James's reign considered as a great delicacy. They are noticed among the different articles provided for the queen's household. The quantity, however, is extremely small, and the price is 2s. the pound. In 1619 two cauliflowers cost 3s., and sixteen artichokes 3s. 4d., prices which would now be deemed extravagant."—Sir F. Eden's *State of the Poor*, vol. i. p. 152.

² *Ante*, p. 219.

wheat ; of 5s. a quarter (or 33 per cent.) in the price of rye ; and of 2s. a quarter (or 14 per cent.) in the price of barley. A corresponding advance appears likewise to have very generally taken place in the money prices of other articles, indicating a progressive increase of wealth in the country. For upwards of a century the treasure of the New World had been flowing into Europe, and the continually increasing commerce of England brought her a continually increasing portion of this treasure, which thus becoming more abundant, more of it was given in exchange for other commodities.

James's reign was now drawing to a close. He died on the 27th of March 1625, at the age of fifty-nine. Of his character very conflicting accounts have been left us. Its best feature, in connection with our present subject was his love of peace, which uninterruptedly prevailed throughout his reign. For how much of this blessing the country was indebted to James himself, and how much to the high position the nation had attained under the government of his predecessor, we need not here stop to inquire. Peace was maintained for a long series of years, and the blessings attendant on peace flowed in upon the people. Population, industry, wealth, went on increasing, and the working classes were better employed, and obtained a larger amount of comforts in return for their labour, than at any former period. It is true that there were complaints of distress in particular places, and, when a new tax was imposed or subsidy granted, remissions were made to certain towns on account of the poverty into which they were said to have fallen ; but such isolated instances of distress would not be inconsistent with the general increase of wealth—a fact which the reduction of interest¹ may be taken as sufficiently proving, but which

Advance in
prices.

1625.
Death of
James I.

¹ *Ante*, p. 237.

is further confirmed by a statement in Stow, describing the increase of commerce about this time, and the building of great royal and mercantile ships, and the peopling of towns and villages, as being almost incredibly great.

Ireland
under
James I.

At the end of James's reign, England may therefore be regarded as highly prosperous. Wales, we have seen, was "constantly loyal and obedient";¹ and Scotland, although still a separate kingdom, was no longer a source of weakness. The most gratifying circumstance of all, however, was the improved state of Ireland. It had been brought under subjection by Elizabeth, but on her successor devolved the task of establishing law and order, and inducing the people to adopt civilised and industrious habits. The first step taken by James for the amelioration of Ireland was to abolish the old and barbarous customs, and establish a regular and well-administered system of English law, at the same time, giving to the Irish people all the rights and privileges of free citizens. Justice was administered, crime and disorders were punished, and the separate jurisdiction of the native chieftains was suppressed. The dues claimed from vassals were adjusted at a fixed amount, and further exactions by the nobles were prohibited under severe penalties. The province of Ulster was newly planted with settlers from England and Scotland, and the native Irish were removed from their mountain fastnesses to the open country, where they were taught the art of husbandry, and kept from plunder and violence. Ulster thus soon became, instead of the most wild and disorderly, the most civilised and best cultivated province of Ireland. "Such," says Hume, "were the arts by which James introduced humanity and justice among a people who had ever been buried in the most profound barbarism."²

¹ *Ante*, p. 236.

² The benefits conferred on Ireland by James I. seem to have been secured chiefly by administration, the actual legislation of a social

Notwithstanding all these favourable circumstances, there was at this time a danger brewing, which unless judiciously met, would be likely to cause a serious explosion. A deep love of freedom had now spread throughout the country, and the Commons, largely participating in this sentiment, had during the whole of the present reign, and the latter portion of that preceding, been struggling, feebly at first, but with continually increasing earnestness, to obtain a formal recognition of their rights; but, with the exception of the late declaratory Act against monopolies,¹ no other measure of a satisfactory nature in this respect had been passed. It is true the Commons had asserted their right of impeachment, and remonstrated against the power assumed by the Crown of giving to proclamations the force of law; but they had not succeeded in establishing a clear co-ordinate authority in making laws and imposing taxes, on the possession of which their efficiency would obviously depend; and this great question was left to be settled in the following reign.

The population of England and Wales at James's accession has been estimated at five millions,² and by the end of his peaceful reign it probably amounted to five millions and a half. But the people had not only increased numerically, they had advanced in intelligence, and risen to a higher appreciation of their position and duties as freemen. We can hardly doubt that this higher sense of public duty, and this consciousness of what they were entitled to claim as responsible beings, was nurtured by, if it did not originate in, the universal reading of the Scriptures, and the right of individual judgment in matters of religion established at the

character being practically confined, according to the author, to the statute 11 & 12 James I. cap. 5. See *History of Irish Poor Law*, p. 26. Scotland continued to be in a backward and disordered state during this period, and for long after. See *History of Scotch Poor Law*, pp. 48-52.

¹ *Ante*, p. 234.

² *Ante*, p. 193.

1625.
Amount of
the popula-
tion.

State of the
country
under
James I.

Reformation. The two or three generations which had since arisen were not, like those which preceded them, subjected to the rule of an intolerant Church, cramping their minds and restricting their energies, but were left open to free discussion, and to the elevating sense of their own responsibility. They had in short become a reasoning, religious, and self-reliant people, on whom the example of a Court would have but little influence. Indeed James never encouraged the congregating of persons about the Court. The nobility and gentry were often charged by him to return to the country, and attend to their estates. He told them that in London they appeared small, like ships at sea; but in the country they would look large, like ships in a river.

Increase of
London.

The rapid growth of London is very remarkable. It is stated to have doubled its population every forty years, and that between 1603 and 1633, the annual number of christenings increased from 5458 to 9997.¹ Yet London was at that time almost entirely built of wood, and in every respect a mean unsightly town. But peace is ever favourable to trade, which being almost entirely centred in London, brought wealth in its train for the improvement of the metropolis. As yet, however, the Dutch far surpassed us in mercantile adventure, for they traded to England with six hundred ships, whilst England sent to Holland sixty only.² Shipbuilding was nevertheless extensively practised in England, and James himself does not appear to have been negligent in this respect, for he built ten new ships in the last five years of his reign, and expended £50,000 annually on his navy. A Board of Trade was established in 1622; and an attempt was unsuccessfully made to introduce the growth of silk. A company

¹ Stow's *Survey*, continued by Strype, book v. cap. 31.

² Hume's *History* (Appendix to the Reign of James the First), vol. vi. pp. 179-187.

was likewise formed for discovering the north-west passage, and a new charter was granted to the East India Company, which enlarged its stock, and increased the number of its ships, one of which was of the large burthen of 1200 tons. Another important incident of James's reign was the establishment of the American colonies, which, although commenced by Elizabeth, made no progress until a company, formed for that purpose in London and Bristol, began a settlement in 1606, after which other settlements were formed, and were maintained with heroic constancy, under the greatest difficulties and privations.

The Poor Law, although it received some valuable improvements in the reign of James the First, does not appear to have been yet in full operation in every part of the country. Indeed there were places in which no rate was made for twenty, thirty, and forty years after the passing of 43 Elizabeth. In a pamphlet attributed to Dekker, published in 1622, and entitled *Grievous Groans for the Poor*, it is stated that, "though the number of the poor do daily increase, all things yet worketh for the worst in their behalf; for there hath been no collection for them, no, not these seven years, in many parishes of this land, especially in the country towns; but many of these parishes turneth forth their poor, yea, and their lusty labourers that will not work, or for any misdemeanour want work, to beg, filch, and steal for their maintenance, so that the country is pitifully pestered with them." This is too probably a correct representation, and it ought not to excite surprise that the law was thus in some places neglected, and in others abused. It must have required time for the people in the various parishes to become acquainted with the details of the law, and possibly a still longer period before they would be reconciled to the imposition of a poor-rate. The measure was not only new, but

was in some respects burthensome, and therefore certain to meet with disfavour, if not frequently with evasion. But the evils which are above said to have resulted from a neglect of the law ought to have been, and in the main probably were, sufficient to ensure its general enforcement.

CHAPTER VI

A.D. 1625-1660

Accession of Charles I.—Observance of Sunday—Enactment against tippling—"Petition of Rights"—Dread of Popery—Parish apprenticeship—Disuse of parliaments—Commission for relief of the poor, and punishment of rogues, etc.—"Orders" and "Directions" of the commissioners—Proclamations—Fasts—Sports and Pastimes—Ship-money—The Long Parliament—Tonnage and poundage—Poll-tax—Irish rebellion—"Remonstrance of the State of the Kingdom"—The civil war—Population in 1660—Proclamation of Charles II.—State of England during the Commonwealth and Protectorate—Colonisation—Trade of Manchester in 1641—Increase of London—Hackney coaches—A post established—Navigation Act—Reduction of interest—Improvements in agriculture—Woollen trade—Price of wheat—Rate of wages—Comparison of wages and cost of subsistence—Constitutional principle finally established.

CHARLES THE FIRST was in his twenty-fifth year when he succeeded his father. The parliament assembled in June, but shortly afterwards adjourned to Oxford, on account of the plague, which had broken out in London. The king was urgent to obtain supplies; the parliament were resolute for redress of grievances; and thus the conflict of the last reign was renewed with increased earnestness.

The first Act of this first parliament affords proof of the strong religious feeling which prevailed. It declares, that "there is nothing more acceptable to God than the true and sincere service and worship of Him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been, and now is, profaned and neglected by a disorderly sort of people, in exercising and

1625-1649.
Charles I.

1625.
1 Chas. I.
cap. 1.

Bear-bait-
ings, etc.,
prohibited
on the
Lord's day.

frequenting bear-baitings, bull-baitings, interludes, common plays, and other unlawful exercises and pastimes." Wherefore it is enacted, that there shall be no meetings or assemblies of people for any sports or pastimes out of their own parish on the Lord's day, nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises used by any persons within their own parishes, under a penalty of 3s. 4d., leviable by distress, or in default punishment by the stocks. Another Act of this parliament deserves notice. The 1 Charles I. cap. 4, "For the further restraint of tippling in Inns, Alehouses, and other Victualling-houses," recites the penalties against tippling, etc., enacted by the three statutes of the last reign,¹ and then extends the same "to all inn, alehouse, and tavern keepers and victuallers, that shall permit or suffer tippling contrary to the true intent of any or either of the said statutes." It is not unlikely that the first of these Acts was intended as a covert kind of censure upon the late king, who had written a book in recommendation of Sunday sports. His habits were moreover calculated rather to encourage than discountenance tippling.

1625.
1 Chas. I.
cap. 4.

1625.
War with
Spain.

The parliament which had assembled at Oxford on the 1st of August was dissolved on the 12th of that month. But the king's necessities soon compelled him to assemble another, the unfortunate expedition to Cadiz, undertaken with the view of intercepting the Plate fleet, having exhausted all the money he could raise, whilst a war with Spain thus commenced brought upon him large additional demands. The new parliament met in February 1626, and shortly afterwards proceeded to impeach the Duke of Buckingham, who was regarded as a chief cause of the existing evils. Charles came to the rescue of his favourite, and on the

¹ *Ante*, pp. 215, 225, and 226—1 James I. cap. 9; 4 James I. cap. 5; 21 James I. cap. 7.

15th of June dissolved this his second parliament, without any Act having been passed. Having thus failed of obtaining supplies from parliament, the king resorted to other methods for meeting the wants of his government. He levied contributions, imposed forced loans, commanded the seaport towns to furnish ships; and many persons who refused to contribute, were imprisoned. In some places resistance was made, and people shouted in the avenues of the Court, "A parliament, a parliament—no parliament, no money!" Yet, undeterred by the difficulties at home, Charles plunged into a war with France, thereby adding to his difficulties abroad as well. His finances were soon exhausted, and he was again compelled to call a parliament, which assembled in March 1628.

1626.
Parliament
dissolved.

1627.
War with
France.

1628.
A new
parlia-
ment.

The House of Commons at its meeting was crowded, and the aggregate property of its members is said to have been above three times greater than that of the House of Lords—a proof of the increase of wealth, and of the importance attained by the third estate, who were henceforth destined to take a prominent part in the government of the country. The first Act of this parliament was the celebrated "Petition of Rights," justly deemed a second Magna Charta. After many delays, this important Act, by which personal liberty and the inviolability of property were secured, at length received the royal assent, to the great delight of the nation. This statute (3 Charles I. cap. 1) does not call for particular comment in reference to our present subject. It is sufficient to notice it as an important incident in our national history.

1628.
3 Chas. I.
cap. 1.

Petition of
Rights.

The religious feelings of the country, not satisfied with the prohibition of pastimes on Sunday, required a still stricter observance of that day, and 3 Charles I. cap. 2, was now accordingly passed, entitled "An Act for the further Reformation of sundry Abuses committed on the Lord's Day." By this Act, carriers,

1628.
3 Chas. I.
cap. 2.

Strict
observance
of Sunday.

waggoners, wainmen, and drovers, were prohibited from travelling on a Sunday, under a penalty of 20s.; and butchers were prohibited from killing or selling victuals under a penalty of 6s. 8d., to be levied by distress and applied to the use of the poor. With increased zeal for religion, the people appear to have felt an increased jealousy of popery. The queen was a Roman Catholic, which probably tended to strengthen this feeling; and 3 Charles I. cap. 3, was passed "to restrain the sending of any to be popishly bred beyond the seas." The Act recites, that "divers ill-affected persons to the true religion established within this realm, have sent their children into foreign parts to be bred up in popery, notwithstanding the restraint thereof by the statute made in the first year of the late reign";¹ persons so offended are disabled from suing in the courts of law or equity, and forfeit all their goods and chattels absolutely, and all their lands for life. This Act must have inflicted great hardship on the Roman Catholics, and its being now passed can only be accounted for by the intense dread and hatred of popery felt by the people of all other religious denominations.

1628.
3 Chas. I.
cap. 3.

Against
sending
children
to be
educated
abroad.

1623.
3 Chas. I.
cap. 5.

Parish
apprentices
and parish
labour.

The 3 Charles I. cap. 5, is entitled "An Act for Continuance and Repeal of divers Statutes." Among these, 43 Elizabeth, cap. 2,² and 1 James I. cap. 25, are continued, with an additional provision respecting apprentices, namely, "That all persons to whom the overseers of the poor shall bind any children apprentices, may take, receive, and keep them as apprentices; and also that the churchwardens and overseers of the poor may, by and with the consent of two justices, set up, use, and occupy any trade, mystery, or occupation, only for the setting on work and better relief of the poor of the parish, town, or place, of or within which they shall be churchwardens or overseers." This pro-

¹ *Ante*, p. 209.

² *Ante*, pp. 189 and 219.

vision was intended to afford a double remedy—first, against the exclusive privileges of particular crafts and trades as regards the apprenticing of poor children; and, secondly, against parish officers setting up any trade, except as a means and for the purpose of better relieving the poor. With respect to this last provision, it is not very probable that some churchwardens and overseers, may have applied the poor-rates to establish manufactures with a view to profit by pauper labour, instead of doing so “only for the setting on work and better relief of the poor”; and the prohibition of any such erroneous practice was therefore highly necessary.

This was the last Act of the present parliament. But a remonstrance was prepared, setting forth the evils which afflicted the country, and declaring that levying the duties of tonnage and poundage without consent of parliament, was a violation of the Bill of Rights, and the ancient liberties of the people. The king, alarmed at these proceedings, suddenly prorogued the parliament, and committed several of the members to prison. In the following January parliament reassembled, and immediately entered upon a consideration of grievances; and after much angry recrimination, ending in a scene of great confusion, during which the doors were locked and the speaker held forcibly in his chair that a protest might be passed, the House adjourned on the 2nd of March until the 10th, on which day parliament was dissolved. The king, in his address on the occasion, bestowed praise upon the Lords, but severely censured the Commons, and nine of the members who had been active in framing the protest were committed to the Tower, and subjected to heavy fines. Thus ended Charles's third parliament, leaving the country more discontented than before.

1628.
Parliament
prorogued,
and several
members
imprisoned.

1629.
Parliament
dissolved,
and nine
members
committed
to the
Tower.

Charles now attempted to govern without a parlia-

The king
governs by
his sole
authority.

ment, and by his sole authority set about establishing and increasing the revenue. The duties of tonnage and poundage were strictly levied, the rates on several descriptions of merchandise were augmented, the goods of the refractory were distrained for immediate payment, and commissioners were appointed to confirm defective titles on payment of certain fines to the Crown. Considerable sums were raised by granting monopolies, the practice of granting which had been prohibited by 21 James I. cap. 3;¹ and heavy fines were extorted for neglect of proclamations. The late king had, by proclamation, forbidden the erection of new buildings in London; but this proclamation was regarded as contrary to law, and new buildings continued to be erected. The owners were now summoned, and some were amerced, whilst others compounded by paying the value of three years' rent, and an annual fine to the Crown for ever.² The courts of High Commission and Star Chamber likewise imposed heavy fines, and inflicted severe punishments, to the great terror and alarm of the people—all which proceedings were regarded as indicating the king's determination to place himself above the law, and to govern by his own absolute authority.

1630.
Commis-
sion issued
by Chas. I.

Amidst these political struggles there was little leisure for attending to other subjects. Yet the king in 1630 issued a commission under the great seal to the lords and others of his privy council, "for putting in execution the laws for the relief of the poor," etc. The commission declares that divers good laws and statutes have been made for the charitable relief of aged and impotent poor people, and for apprenticing youths in honest and profitable trades, and for setting to work idle persons, who wander up and down begging, or maintain themselves by filching and stealing; and

¹ *Ante*, p. 234.

² Lingard's *History of England*, vol. vi. p. 300.

asserts that the defective execution of the said good laws is owing to neglect on the part of justices of peace and other officers, arising from this, that little or no penalties are inflicted upon them for not performing their duties, and partly also from their holding those under them in awe by their power and authority, so that no complaints are made, and they are grown secure in their negligence, and the said laws are little regarded—"all which," the commission proceeds, "we, taking into our princely care, and after long and mature deliberation, find no better means to have the said laws put in full execution than by committing the oversight thereof to the special care of certain persons of principal place and dignity near unto our person." Ample powers are then given to the persons named in the commission "to inquire and inform themselves how all and every the laws and statutes which any way concern the relief of the impotent poor, the binding out of apprentices, the setting to work of poor children and such other poor people as, being able or willing to work, have no stock or means to employ themselves; the compelling such lazy and idle persons to work, as being able and strong, do, nevertheless, refuse to labour; the maintenance, government, and well-ordering of houses of correction, and other places for relief of poor, indigent, and impotent people; the rating, collecting, and employment of such sums as by 43 Elizabeth are appointed for the relief of soldiers and mariners; the punishment or setting on work of rogues and vagabonds; and all laws now in force for the repressing of drunkenness and idleness, the reforming abuses committed in inns and alehouses, the keeping of watches and wards duly, and how other public services for God, the king, and the commonwealth, are put in practice and executed."¹

¹ The commission is dated the 5th of January in the sixth year of Charles's reign, and it is accompanied by a schedule of orders and direc-

A large field is thus opened to the commissioners, and they were authorised to call for assistance, and to give such directions to justices of assize and all other persons, as they deemed necessary for carrying the laws into operation; and also to appoint deputies or assistants, and to impart to them the same powers with which they themselves were armed. In this respect, and in its general bearing, the commission issued by Charles the First, resembles the commission appointed two centuries afterwards under the provisions of the Poor Law Amendment Act, the object of both commissions being to prevent a lax or faulty action on the part of the local authorities, and to secure an effective administration of the law throughout the country.

The Orders and Directions issued by the commissioners in 1630, afford considerable insight into the state of the poor at that time, as well as into the local organisation for administering the law; and such portions of them as immediately bear upon these points are therefore here inserted. The ORDERS apply to justices and other high functionaries. The DIRECTIONS are of general application.

1630.

The Commissioners'
"orders."

It is *ordered*—"That the justices of peace of every shire do divide and allot amongst themselves, what justices and what hundreds shall attend monthly at some certain place of the shire. And at such time

tions, under twenty heads, for guidance of the commissioners and others acting under it, and the whole appears to have been immediately circulated in a printed form. That which I have here used was printed by Robert Barker, the king's printer, in 1630, with the following title-page:—"Orders and Directions, together with a Commission, for the better administration of Justice, and more perfect Information of his Majesty how and by whom the Laws and Statutes tending to the Relief of the Poor, the well ordering and training up of Youth in Trades, and the Reformation of Disorders and disordered Persons, are executed throughout the Kingdom; Which his Royal Majesty hath commanded to be published and inquired of by the Body of his Privy Council, whom he hath made principal Commissioners for this purpose."

and place the high and petty constables, churchwardens, and overseers of the poor of those hundreds shall attend, and there inquiry shall be made and information taken by the said justices, how every of these officers in their several places have done their duties in the execution of the laws mentioned in the commission annexed, and what persons have offended against any of the said laws. Where neglect or defect is found in any of the said officers in making their presentments, condign punishment is to be inflicted upon them by the justices according to law; and for encouragement to men that do inform and prosecute others for offending against these laws, liberty is left to the justices to reward the informer or prosecutor out of part of the money levied upon his or their presentment or information. The several justices of peace of every shire are, once every three months, to certify an account in writing to the high sheriff of the county of their proceedings in this way—whom they have punished, what money they have levied, and how they have employed it; and the high sheriff, within fourteen days after this account is delivered, is to send it to the justices of assize for that county, who are to certify the same in the beginning of the next term to the lords commissioners; and if any of the justices of peace shall fail to make such account to the sheriff, then the sheriff shall certify such default to the lords commissioners. The justices of assize are, moreover, in every circuit to inquire, and specially to mark, what justices of peace are careful in execution of these laws and the directions, and who are negligent and remiss. And what other things of note happen in their circuits, they are to make report thereof to the king, upon their return from their circuits, every half-year."

It is *directed*—"That the lords of manors and towns take care that their tenants, and their parishioners of every town, may be relieved by work or

1630.
The Com-
missioners'
"direc-
tions."

otherwise at home, and not suffered to straggle and beg up and down in their parish. That the poor children in every parish be put forth apprentices to husbandry and other handicrafts, and money raised for placing them according to the law; and if any person shall refuse to take the said apprentice, being put out according to the law, such person shall be bound over to the next quarter sessions or assizes, and there be bound to his good behaviour, or otherwise ordered as shall be found fit. That the weekly taxation for relief of the poor, and other purposes mentioned in 43 Elizabeth, be in these times of scarcity¹ raised to higher rates in every parish than in times tofore were used, and contributions had from other parishes to help the weaker parishes, especially from those places where depopulations have been, some good contribution to come for help of other parishes; and where any money or stock hath been or shall be given to the relief of the poor in any parish, such gift to be no occasion of lessening the rates of the parish. And because it is found by daily experience that the remissness and negligence of petty constables is a great cause of the swarming of rogues and beggars, therefore the high constables in their several divisions are specially charged to look unto the petty constables, that they use diligence in their offices; and the high constables are to present unto the justices the defaults of the petty constables, for not punishing the rogues, or not presenting those that are the relievers of the rogues and beggars, the law inflicting a penalty upon

¹ At the king's accession, in 1625, the price of wheat in Windsor market, according to the Eton Tables, was 52s. a quarter. In 1630, the date of these "orders and directions," the price recorded is 55s. 8d.; but for the following year, 1631, it is 68s., which is considerably higher than it had ever been since the commencement of these Tables in 1595, or than it reached for sixteen years subsequently. A ninth must be deducted from these prices to bring them to the standard or Winchester measure.

constables for not punishing them, and upon such as shall relieve them. If in any parish there be found persons that live out of service, or that live idly and will not work for reasonable wages, or live to spend all they have at the alehouse, those persons are to be brought by the constables to the justices at their meetings, there to be ordered and punished as shall be found fit. The correction houses in all counties are to be made adjoining the common prisons, and the gaoler made governor of them, that so he may employ to work prisoners committed for small causes. No man is to harbour rogues in barns or outhouses; and wandering persons with women and children are to give an account to the constable, or to a justice of peace, where they were married, and where their children were christened; for these people live like savages, neither marry, nor bury, nor christen, which licentious liberty make so many delight to be rogues and wanderers."

These "ORDERS" and "DIRECTIONS,"¹ appear generally well calculated for their object. It would seem indeed that nothing could have been better devised than the commission itself, and the whole of its proceedings, as far as they can now be traced, for securing an effective administration of the law. Whether the king could legally issue such a commission, and clothe it with such powers, may be questioned; but Charles appears to have been determined to give to his proclamations the force of law.

A proclamation was at this time likewise issued prohibiting the erection of houses in London and Westminster, or within three miles thereof, and also forbidding the entertainment of additional inmates in houses already existing, in order to prevent "the

1630.
Proclamation against
the erection
of houses
in London.

¹ They are taken from Sir F. Eden's *State of the Poor*, vol. i. pp. 156 and 160, where the Orders and Directions are given at length, although no mention is made of the Commission whence they issued.

multiplying of the inhabitants to such an excessive number that they could neither be governed nor fed." And not long afterwards, another proclamation was directed against the residing of the nobility and gentry in London, which it is asserted led to ruinous excess in their expenditure and the impoverishment of their counties, and was also the means of drawing great numbers of loose and idle people to London, by which the price of provision is enhanced, and the poor rates are increased.

1630.
Proclama-
tion for
preventing
the dearth
of corn and
victuals.

Suppers
not to be
eaten on
Fridays
and fasting
nights.

In the same year another proclamation, professing to be for preventing the dearth of corn and victuals, was addressed to the inhabitants of London and Westminster, with the following preamble: "Whereas, by an ancient and laudable custom, no suppers were wont to be kept on Fridays, or the eves of feasts commanded to be fasted, nor upon Wednesdays or Saturdays in the Ember weeks and time of Lent, but a general abstinence from suppers on those nights; and the same course is to this day for the most part observed, not only in his Majesty's most honourable household, and in the families of most of the nobility and great men of the kingdom, but also in the inns of court and chancery, and in the colleges and halls of both Universities, and all other public places of good order, and in the houses of many knights and squires that are most commended for good house-keeping according to the ancient manner of England, for which this realm hath hitherto been so much honoured. Howbeit that good and laudable custom is daily more and more neglected and broken, especially in taverns, inns and other victualling-houses, where commonly there is more waste and excess on the fasting nights than in any time of the week besides." Wherefore his Majesty straightly charges and commands that this ancient and laudable custom be strictly observed in all "taverns, inns, ordinaries,

houses of dicing and play, cooks' houses, and other victualling-houses, and that no suppers be, in any of them, had, dressed, or eaten upon any the fasting-nights aforesaid"; and his Majesty further "commands the same to the rest of his subjects in their private families in this time of scarcity, and that they would employ a portion of what is saved by this abstinence towards the relief of those that shall be in penury and want." It may be doubted whether the "time of scarcity" here again referred to was the real cause of this proclamation, but, whether it were so or not, we may feel sure that the proclamation, would be of little avail in "preventing the dearth of corn and victuals," even were it generally observed; for if restricted in their suppers, people would eat more at other meals, and the quantity of food consumed would in the end be nearly the same.

With a similar leaning to old practices, a proclamation was issued in 1633, virtually annulling the Acts passed for the strict observance of the Sabbath,¹ and permitting persons who had attended public worship on the Sunday, afterwards to indulge in sports and pastimes. This proclamation was ordered to be publicly read in the churches after divine service, and any of the clergy who refused to do so were punished by suspension or deprivation. Encouragement was likewise given to church-ales, wakes, bride-ales, and other accustomed festivals of the Roman Catholic times, to the great disturbance of the religious feelings of a large part of the community, and helping to swell the tide of discontent.

In 1634 the important question of ship-money was raised. Writs were issued for levying this tax, accompanied by instructions addressed to the sheriffs for their guidance in so doing. The right of the king to impose a tax on his own sole authority was denied by

Sports and
pastimes
permitted
after Divine
Service on
Sunday.

1634.
Ship-
money
levied.

¹ *Ante*, pp. 248 and 249.

most persons, and Mr. John Hampden refused payment on this occasion, and thus brought the question to issue before a legal tribunal. After a lengthened trial, and long subsequent deliberation, a majority of the judges pronounced in favour of the Crown ; but the general feeling throughout the country, notwithstanding this decision, was against the legality of the impost.

1640.

Parliament
assembled
and again
dissolved.

The king's finances becoming entirely exhausted, he was again compelled to have recourse to parliament, which, after an intermission of nearly twelve years, met on the 13th of April 1640. The king explained his necessities, and solicited a speedy supply ; but the Commons determined to enter first upon a consideration of grievances, on which the king again resorted to a dissolution, and several members of the House of Commons were arrested. Disappointed of aid from parliament, the king endeavoured to raise money in other ways, but his difficulties hourly increased. The nation was discontented, and as a last resource he called a council of the peers to his assistance, the result of which was a determination to summon another parliament.

1640.

The Long
Parliament
summoned,
Nov. 3.

"In November 1640, met that renowned parliament which, in spite of many errors and disasters, is justly entitled to the reverence and gratitude of all who, in any part of the world, enjoy the blessings of constitutional government."¹ Thus writes an eminent historian of the parliament which Charles had reluctantly determined to meet.

1640.

16 Chas. I.
cap. 1.

Parliament
to be held
annually.

Its first Act declared "that by the laws and statutes of this realm the parliament ought to be holden at least once every year for the redress of grievances, and that the not holding of parliament accordingly hath produced sundry and great mischiefs and inconveniences"; for preventing which in time

¹ Macaulay's *History of England*, vol. i. p. 97.

to come, it is enacted, that if no parliament were summoned within three years after the sitting of the last, the parliament was to assemble at Westminster, under writs which the lord chancellor was to be sworn in such case to issue, and if he failed, the House of Lords were to assemble and issue writs for the Commons, and, if the Lords failed, the sheriffs were to do it, and, if the sheriffs failed, the people were to elect representatives without writs at all.

On the 22nd of June, the Act entitled "A Subsidy granted to the King, of Tunnage and Poundage," was passed. It declares "that it is and hath been the ancient right of the subjects of this realm that no subsidy, custom, impost, or other charge whatsoever, ought or may be laid or imposed upon any merchandise exported or imported, without common consent in parliament." It then fixes the tunnage at 3s. for every tun of wine, and the poundage at 1s. in the pound on the value of other articles. This Act finally settled the great constitutional right of the Commons with respect to the imposition of taxes. Immediately afterwards another Act (cap. 9) was passed "for the speedy provision of money for disbanding the armies, and settling the peace, of the two kingdoms of England and Scotland." It enacts that persons "who can dispend £100 per annum, of his or her own, either in lands, leases, money, stock, or otherwise," shall contribute £5; and other persons having larger incomes are to contribute certain fixed sums, according to their rank and station; a duke £100, an earl £60, a baron £40, a baronet £30, a knight-bachelor £20, an esquire £10. Churchmen, lawyers, merchants, and members of corporations are likewise severally charged, and popish recusants are rated double. This was, in fact, a poll-tax, and would hardly have been resorted to, unless parliament felt assured that the sense of the country

1641.
16 Chas. I.
cap. 8.

Act of
tunnage
and
poundage.

1641.
16 Chas. I.
cap. 9.

1641. was with them. By three following Acts the courts of
 16 Chas. I. Star Chamber and High Commission are abolished, the
 caps. 10, 11, levying of ship-money is declared to have been illegal,
 and 14. and the sentence against Hampden in that matter is
 Sentence reversed, shortly after which the Houses adjourned.
 against Hampden reversed.

1641. The policy of encouraging colonists from England
 Rebellion and Scotland to settle in Ireland, adopted in the late
 and mas- reign, had been continued in the present; and much
 sacre of of the forfeited property had been bestowed on the new
 Protestants planters, who took up their abode among the native
 in Ireland. Irish. The benefits arising from this mingling of the
 two races were manifest, and Ireland was beginning to
 assume the appearance of a prosperous country; but
 the weakness of the English government at this time
 encouraged certain of the old Irish chiefs, at the head
 of whom was Sir Phelim O'Neal, to rise in rebellion,
 and a furious onslaught was made upon the defenceless
 Protestant settlers, who were plundered and butchered
 almost without resistance, so sudden and unexpected
 was the outbreak. The accounts of the cruelties per-
 petrated almost exceed belief, and what adds to the
 horror of such atrocities is, that they were mostly
 perpetrated under the mask of religion.

Great alarm was excited in England by these events.
 A stronger abhorrence of popery mingled with com-
 miseration for the sufferings of the Irish Protestants,
 and parliament forthwith passed an Act "for a speedy
 1641. contribution and loan towards the relief of his Majesty's
 16 Chas. I. distressed subjects of the kingdom of Ireland." The
 cap. 30. churchwardens and overseers of the poor are directed,
 Contribu- within their respective parishes, to "ask, take, receive,
 tion for and gather the gifts and charitable benevolences of all
 relief of the and every person and persons to and for the uses
 Irish Pro- aforesaid." The money so received and gathered,
 testants. together with a list of the contributors, is to be
 delivered to the high constable of the hundred, who
 is to pay over and deliver the same to the sheriff of

the county ; and the several sheriffs are to pay the money, and deliver the lists, to receivers named in the Act, who are to give acquittance for the same. The moneys so collected are to be distributed "to such persons and in such manner as from time to time appointed by the Lords and Commons in parliament assembled" ; but it is not anywhere stated what was the amount collected, nor how the money was applied.

In November 1641, after a long and vehement debate, the Commons passed "the Remonstrance of the State of the Kingdom," and shortly afterwards it was printed and distributed throughout the country. This "remonstrance" was in fact a recapitulation of all the errors and omissions, the excesses and the shortcomings, of the present reign ; and the publication of such a document could not fail to widen the breach between the king and the parliament. From this time distrust and jealousy went on increasing, incidents of almost daily occurrence adding to these feelings on both sides. At length, on the 4th of January 1642, Charles attempted to arrest the five most popular members of the House of Commons, by which he confirmed the apprehensions, and strengthened the distrust, of the popular party. The tumults which followed made it unsafe for him to remain in London, and he retired to Hampton Court, "deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures into which he had been hurried."¹ In March 1642. the king proceeded to York, where many of the nobility and gentry joined him, and he began to organise a separate government. Preparations were now made on both sides for the impending conflict, and on the 25th of August² the royal standard was set up at Nottingham, and an appeal was thus openly made to the arbitrament of the sword.

1641.
"Remonstrance of the State of the Kingdom."

1642.
Attempt to arrest the five members.

1642.
The king proceeds to York.

1642.
The royal standard set up at Nottingham.

¹ Hume's *History of England*, vol. vi. p. 472.

² Lingard says the 22nd.

The civil
war.

It will be sufficient for our purpose merely to advert to the war which unhappily followed, in which men of the same country, and even of the same family, were arrayed against each other in deadly strife. Such a contest cannot fail of being a fearful calamity, and admits of no justification short of absolute overwhelming necessity, which did not exist in the present case. True patriotism would have avoided the dreadful alternative of civil war, and endeavoured, by combining whatever was right in the adverse claims, to frame a basis for mutual concession. That both parties were to some extent right can hardly be doubted, when a Hampden is seen perilling his life on one side, and a Falkland on the other. The appeal to the sword, in this as in most other instances, led to the sword's obtaining the mastery. It now fell into the hands of a man of rare genius and indomitable resolution; and whatever be our opinion of Cromwell as a man, a citizen, or a subject, all must admit that his government, after he attained the supremacy, was eminently successful, and one of the most brilliant recorded in history. But Cromwell's career was stained with the death of his sovereign, which it is impossible not to condemn, and which no pleadings of necessity can justify. After a trial in which his accusers sat as his judges, the king was beheaded on the 30th of January 1649, and for a time royalty was extinct in England.

1649.
Execution
of Chas. I.

The greater liberty, and higher social position, attained by the people, previous to and during these civil commotions, were accompanied by a deeper sense of moral responsibility. The growth and influence of these feelings have been apparent in the Acts passed in the late reigns for discouraging swearing and drunkenness, and for a more strict observance of the Sabbath.¹ Even the customary licence of civil war was

¹ *Ante*, pp. 215, 225, 248, 249, 253, and 259.

in the present instance little injurious to morality, the conflict, being one of principle, and freed by high religious feelings from the brutal influences usually attendant on war. This was more especially the case with the soldiers on the popular side, of whom it has been said: "But that which chiefly distinguished the army of Cromwell from other armies, was the austere morality and the fear of God which pervaded the ranks. It is acknowledged by the most zealous royalists that in that singular camp no oath was heard, no drunkenness or gambling was seen, and that, during the long dominion of the soldiery, the property of the peaceful citizen and the honour of woman were held sacred."¹

The population of England and Wales at the commencement of the century was, we have seen, estimated at about five millions.² At the Restoration, in 1660, it probably amounted to five millions and a half; but it has been estimated very considerably higher. Some check must necessarily have been caused by the civil war, although it does not appear that the framework of society was very materially disturbed. Colonel Ludlow, in his *Memoirs*, says that the changes in the central or supreme government little affected the local administration, which proceeded in its accustomed course under the ordinary authorities—a proof of the great advantage arising from habits of self-government in a people.

On the 8th of May 1660, Charles the Second was, by order of the parliament, solemnly proclaimed in Westminster Hall; on the 25th he landed at Dover, and proceeded to London, where he was received with such joyous acclamations, that he might well express a wonder why he had been so long kept at a distance. All was loyalty and confidence. Tired of change, and

1660.
Popula-
tion.

Charles II.
pro-
claimed.
1649–1685.

¹ Macaulay's *History of England*, vol. i. p. 122.

² *Ante*, p. 193.

wearied with excitement, the people now sought refuge under kingly guidance. No one spoke of constitutional liberty, and of defining or limiting the royal authority. The cause so long struggled for was totally forgotten. But before entering upon a consideration of the legislative proceedings under Charles the Second, we will take a brief survey of the general circumstances of the country at the time of his restoration.

State of
England
during the
Common-
wealth and
 Protec-
torate.

Abroad, England had been successful in all its transactions with foreign states, whether of peace or of war. It was courted and respected by all. Its fleets visited every shore; and the name of Englishman was a title to consideration in every part of the world. At home, order and law were, with very little interruption, strictly maintained. Ireland had been reduced to subjection by the vigorous hand of Cromwell, whose unswerving energy had likewise subjugated Scotland, and brought it into uniform action with England; so that the three portions of the British Empire may be said to have been then for the first time actually united under one government. The circumstances which preceded, accompanied, and followed the periods of the Commonwealth and Protectorate, all tended to promote colonisation. In the earlier period the Puritans, afterwards the Royalists, and at the Restoration the Republicans, sought refuge in the American colonies, which thus rapidly increased in importance, opening out new markets for our manufactures, and materially assisting in the extension of commerce. It has been said that the prevalence of democratic principles at this time, led the gentry to bind their sons apprentices to merchants, and that commerce has ever since been more honourable with us, than in any other European kingdom.¹ But the high estimation of commerce in this country is surely owing to its great national importance, rather than to the cause here indicated,

Colonisa-
tion pro-
moted by
the circum-
stances of
the times.

¹ Hume, quoting from Clarendon, vol. vii. p. 340.

which, if operative at all, must have been so to a very limited extent.

The trade of Manchester is represented as being considerable in 1641. The manufacturers purchased yarn from the Irish, and, after weaving it into cloth, returned it again to Ireland for sale. They also purchased in London cotton-wool imported from Cyprus and Smyrna, and worked it up into fustians, dimities, and other such stuffs, which were sent back to London for sale and exportation. This is the first notice we find of the cotton manufacture, which afterwards grew to so great a head at Manchester.¹ The continual growth of London was at once a proof and a consequence of the increase of commerce; but this continual growth of the metropolis was, we have seen, also a source of alarm, and led to forbidding the erection of new houses. The great resort of people thither caused it likewise, it was said, to be less easily governed than formerly, and led to a great increase in the price of provisions, and in the amount of the poor-rates. Hackney coaches were first used in London about the year 1625. Ten years later their number had so much increased, that a proclamation was issued pointing out the great inconvenience they occasioned, and commanding "that no hackney or hired coaches be used or suffered in London, Westminster, or the suburbs thereof, except they be to travel at least three miles out of the same." They were afterwards licensed, and restricted to fifty, for London and Westminster. In 1634 sedan-chairs were first used, under a patent, which declared that the streets were so encumbered with coaches that people were exposed to danger, and the carriage of provisions much hindered; and the use of sedan-chairs was resorted to as a relief from this evil.

1641.
Trade of
Man-
chester.

Increase of
London.

Hackney
coaches.

¹ See extracts from the works of James Roberts, published in 1638 and 1641, and given in the *Pictorial History of England*, vol. iv. pp. 540 and 542.

A regular
post estab-
lished.

In 1635 a regular post for the transmission of letters was established, and the rate of postage for a single letter was fixed at 2d. for any distance under eighty miles, 4d. up to a hundred and forty miles, 6d. for any longer distance, and 8d. to any place in Scotland.

1651.
The Navi-
gation Act.

In 1651 the celebrated Navigation Act was passed by the then existing parliament, with the view of securing to British vessels the carrying trade between other countries and England, which was then chiefly in the hands of the Dutch. This important Act served to cherish the yet immature shipping interest of England, which grew so rapidly under the shelter thus afforded as ere long to be in a condition to dispense with such protection, and to stand alone against the competition of the world. The fence of the Navigation Law was, however, retained long after it had ceased to be useful, and even when its restrictions were positively injurious to English commerce.

Rate of
interest
reduced to
6 per cent.

In the same year the legal rate of interest was reduced from eight to six per cent. About this time also, a practice began to be adopted of people depositing their spare money with the city goldsmiths, who thus became bankers, to the great economising of capital and the encouragement of industry and enterprise. The establishing a system of banking, and the reduction in the rate of interest which shortly afterwards took place, are unmistakable signs of the increase of wealth, and could not fail to give an impulse to the productive powers of the country, both commercial and agricultural. Indeed agriculture appears, at this time, to have been undergoing what may be termed radical improvement. Books were written upon it, and the cultivation of clover and turnips was introduced. The art of gardening had also made considerable progress, and England was no longer dependent on Belgium and Holland for a supply of fruits and vegetables.

Improve-
ments in
agricul-
ture.

The woollen-trade, in its various branches, gave Woollen-trade. employment to a vast number of people, and was regarded as the most important of our native manufactures. A million of persons were said to be engaged in it, but this is obviously an exaggeration, although some clothiers at that time employed as many as five hundred hands. It was not however until 1668, when some immigrants from Flanders settled in England, that we succeeded in producing the finest cloths, or those made entirely of Spanish wool, without admixture of any wool of inferior quality.¹ In 1658 pocket watches were first made in England; glass was manufactured, and the importation of foreign glass was prohibited; and the East India Company (which had been reconstituted) set an example of improvement in shipbuilding, by the construction of vessels of large burthen and superior equipment.

The first mention made of tea and chocolate was Tea and chocolate introduced. about the year 1660. Coffee had been introduced earlier by the Turkish Company, by whom also sugar was imported in small quantities and at a high price. With regard to the price of commodities, if that of wheat be taken as a standard, it will appear that a considerable increase had taken place in the last sixty years, although not so great as in the half-century preceding. We have seen that in 1599 the Price of wheat. money price of wheat had increased in the course of the previous half-century fully 100 per cent. In 1625 the price of wheat in Windsor market was 52s. a quarter. In 1649, the year in which Charles the First was beheaded, and in the two preceding and two following years, it was 76s. and 80s.; and in 1660, the year of the Restoration, it was 56s. 6d a quarter. The comparatively higher price in the middle period

¹ See M'Culloch's *Statistical Account of the British Empire*, vol. ii. p. 45.

may have been occasioned by the civil commotions then prevailing, but the price fell after Cromwell had attained the mastery, and was only 35s. 6d. in 1653, and 26s. in 1654. After this it again rose, and was 66s. 6d. a quarter in 1659, although in 1660 it fell to 56s. 6d., and four years afterwards it was as low as 40s. a quarter. It appears, therefore, limiting the comparison to the Windsor market prices exclusively, that an increase of 17s. 4d. the quarter, or about 45 per cent., took place in the price of wheat between 1599 and 1660.

Rate of
wages.

An advance in the rate of wages will be found to have occurred pretty nearly corresponding with the above increase in the price of wheat. The rates established in 1495 by 11 Henry VII., and in 1593 by the magistrates of the East Riding of York, and subsequently by the justices of Rutland in 1610, have been already given and commented on.¹ In 1661 the justices of Essex established the following rate of wages, harvest time excepted :²—

| | With Board. | Without Board |
|--|--------------|---------------|
| For common labourers by the day, from the middle of March to the middle of September | s. d. 0 8 | s. d. 1 2 |
| From the middle of September to the middle of March | 0 6 | 1 0 |
| Man haymaker | 0 8 | 1 0 |
| Woman do. | 0 5 | 0 10 |
| Weeders of corn | 0 4 | 0 9 |
| Mowers of corn and grass | 0 10 | 1 6 |
| A fallower | 0 6 | 1 3 |
| Man reaper | 1 0 | 1 10 |
| Woman do. | 0 8 | 1 2 |

On comparing the above with the rates established by the Rutland justices in 1610, it appears that the wages of ordinary labourers had been increased from 7d. to 14d. a day in summer, and from 6d. to 1s. a

¹ *Ante*, pp. 203 and 240.

² Sir F. Eden's *State of the Poor*, vol. iii. p. 102 ; and Ruggles's *Letters on the Poor*, p. 68.

day in winter. The wages of a mower were increased from 10d. to 1s. 6d. a day. The wages of a man-reaper from 8d. to 1s. 10d. a day, and of a woman-reaper from 6d. to 1s. 2d. a day; of a man haymaker from 8d. to 1s. a day, and of a woman haymaker from 5d. a day to 10d. The annual wages of servants engaged by the year are not specified by the Essex justices in 1661, and therefore cannot be compared with those of 1610; but a little later, at the sessions held at Bury St. Edmunds in 1682, the justices established the following rates, viz.:¹—

| | £ | s. | d. |
|---|---|----|----|
| A baliff in husbandry, by the year | 6 | 0 | 0 |
| A chief husbandman or carter | 5 | 0 | 0 |
| A second hind or husbandman, or common servant above 18 years of age | 3 | 10 | 0 |
| A fourth, under 18 | 2 | 10 | 0 |
| A dairymaid or cook | 2 | 10 | 0 |
| The best hired servants, with meat and drink, for harvest | 1 | 2 | 0 |
| An ordinary harvest-man | 0 | 18 | 0 |

A similar increase is therefore observable in the rate of yearly wages between 1610² and 1682, as is above shown to have taken place in the daily wages between 1610 and 1660; so that, between the end of Elizabeth's reign and the restoration of Charles the Second, we may conclude that the rate of wages more than kept pace with the increase in the price of commodities, and consequently that the condition of the labouring classes went on improving throughout that period.

If the price of labour had not kept pace with the cost of subsistence, the condition of the labourer must have been depreciated, instead of being improved; but happily labour and subsistence moved onward together, thus maintaining a healthy equilibrium, which, with only occasional interruptions through

¹ Sir. F. Eden's *State of the Poor*, vol. iii. p. 103.

² *Ante*, p. 240.

1660.
Compar-
ison of
wages and
cost of
subsist-
ence.

deficient harvests and other temporary causes, has prevailed to the present day. Thus the price of wheat in the Windsor market, on the average of the three years 1663, 1664, and 1665, was 39s. 7d. a quarter standard measure, and it continued about the same for the nine following years—it is now (May 10, 1852), on the average of the last six weeks, as published in the *London Gazette*, 41s. 1d. a quarter. The wages of a common farm-labourer were fixed by the Essex justices in 1661 at 1s. 2d. a day in summer, and 1s. a day in winter. The usual wages of such a labourer in the agricultural districts at present vary from 1s. 3d. to 1s. 6d. and 1s. 9d., and in some counties to 2s. Without pretending to exactitude in these comparisons, they may, on a general view, be regarded as affording proof that the condition of the labouring class has been continually improving, the rate of wages having on the whole more than kept pace with the cost of subsistence; and this notwithstanding the population of England and Wales has trebled in amount, it having been less than six millions at the time of the Restoration, and now amounting to eighteen millions.¹ Yet so immense have been the additions to the productive powers of the country, that this enormous increase in the number of the people within less than two centuries, has not outrun the power of supply, or the means of employment; whilst the variety, abundance, and comparative cheapness of what may be called the semi-necessaries of life, have greatly added to the comforts and physical enjoyments of the entire population.

Improved
condition
of the
people.

Constitutional
principally
established.

The reign of Henry the Seventh constituted an important turning-point in the history of the English people, the great landed aristocracy having then been subjected to the power of the Crown. The reign of

¹ The population of England and Wales, by the Census Returns of 1851, amounted to 17,922,768.

Charles the First was another important turning-point, the power of the Crown being then prostrated before that of the people. In like manner the restoration of Charles the Second may be regarded as another important turning-point, democracy having then, in its turn, after a brief and troubled sway, rendered endurable only by the high qualities of the great man who sprang from its ranks, and became its guide and champion, yielded the ascendancy, and fallen into a co-ordinate position with the other two powers. At the Restoration, therefore, the true constitutional principle of government by king, lords, and commons was finally recognised, since which time any departure, or attempted departure from it, by either of the three co-ordinates, has been speedily detected and promptly repressed.

CHAPTER VII

A.D. 1660-1688

Charles II.—Act of Indemnity—Reduction of interest—The army disbanded—Character of the soldiery—Navigation Act—Dutch War—Cultivation of tobacco and exportation of leather prohibited—The Settlement Act—Sir Matthew Hale on provision for the poor—Prohibition of foreign bone-lace, etc.—Protective duties—Cultivation of flax and hemp—The Bedford Level—Act to prevent the delivering up of merchant-ships—Shipbuilding—Woollen manufactures—The great plague and the Dutch war—Fire of London—The war renewed—Rebuilding of London—Regulation of silk-throwing—Punishment for burning stacks and injuring cattle—Metropolitan workhouses—Relief of poor debtors—Greenland and Eastland trade—Observance of Sunday—The Prince of Orange—Papist disabilities—Habeas Corpus Act—Parliament at Oxford—Death of the King—Accession of James II.—Law of Settlement—Encouragement of shipbuilding—Illegal measures of James—Landing of the Prince of Orange—Abdication of James—The Convention Parliament—Accession of William and Mary—Bill of Rights.

1660.
2^d Chas. II.
cap. 11.

Act of
Indemnity.

THE first Act of the new reign,¹ after the requisite sanction had been imparted to the then irregularly assembled parliament, and after the settlement of the revenue, including the duties of tunnage and poundage, was "An Act of free and general Pardon, Indemnity, and Oblivion" for all things done during "the long and great troubles, discords, and wars that have for so many years past been in this kingdom." All those who sat in judgment upon the late king, were however excepted from pardon, and several were executed.

1660.
12th Chas. II.
cap. 13.

The first Act of a general nature requiring notice, is 12 Charles II. cap. 13, which recites that "the

¹ Although the accession of Charles II. can only be said to have taken place at the time of his being recalled in 1660, it usually bears date from the death of his father in 1649.

abatement of interest from ten in the hundred in former times,¹ hath been found beneficial to trade, and to the improvement of lands by good husbandry, with many other advantages, especially the reducing of it to a nearer proportion with foreign states with whom we traffic; and that the like fall from eight to six in the hundred, by a late constant practice, hath found the like success, to the general contentment of the nation"—wherefore it is enacted that none shall take above *six per cent.* in future, and that all bonds and other securities on which a higher rate of interest is reserved, shall be void. Other motives besides the advancement of husbandry and commerce may have influenced the passing of this Act, which, however, as far as circumstances permitted it to be operative, was probably beneficial.

Interest
reduced to
6 per cent.

The disbanding of the army was no less necessary on the score of economy than for the security of the government. The royalist officers, to whom commissions were now given, had not the confidence of the sober, religious, and sternly moral soldiers of the Commonwealth, whom the king feared, although he praised their character and discipline, and recommended their services to the consideration of parliament, which passed several Acts (caps. 9, 15, 16, and 21 of 12 Charles II.) for raising money "to the end that the army may be disbanded and the country eased, and that the officers and soldiers may be satisfied their just arrears." Cap. 16 recites, that some of the soldiers had used trades, others had been apprenticed to trades and not served their full time, and that others were apt and fit for trades—"many of whom, the wars being now ended, would willing employ themselves in those trades they were formerly accustomed unto, or which they are apt and able to follow for getting of their living by their labour and

Disbanding
the army.

1660.
12 Chas. II.
caps. 9, 15,
16, and 21.

¹ *Ante*, p. 268.

The dis-
banded
soldiers
may set up
trades.

industry, but are or may be hindered from exercising those trades in certain places because of certain by-laws and customs, and of the statute 5 Elizabeth, cap. 4,¹ prohibiting the use of certain trades by any person that hath not served an apprenticeship thereto." On which account it is enacted, that those who had formerly been apprenticed, and had not served their full time, should be entitled to set up and exercise a trade, and have all their privileges as fully as if they had; and that "all others of the said officers and soldiers may set up and exercise such trades as they are apt and able for, in the several towns and places within the respective counties wherein they were born." This enabled these hardy soldiers at once to fall back into the ranks of the productive classes, a privilege which they forthwith embraced with the same steady earnestness which had secured for them invariable success in the struggle of warfare. "Fifty thousand men, accustomed to the profession of arms, were at once thrown on the world; and experience seemed to warrant the belief that this change would produce much misery and crime, that the discharged veterans would be seen begging in every street, or would be driven by hunger to pillage. But no such result followed. In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the community. The royalists themselves confessed that, in every department of honest industry, the discharged warriors prospered beyond other men, that none was charged with any theft or robbery, that none was heard to ask an alms, and that if a baker a mason or a waggoner, attracted notice by his diligence and sobriety, he was in all probability one of Oliver's old soldiers."²

¹ *Ante*, p. 156.

² Macaulay's *History of England*, vol. i. p. 154.

The 12 Charles II. cap. 18, is entitled "An Act for the encouragement and increasing of Shipping and Navigation." This is little more than a repetition of the Navigation Act passed in 1651, by the parliament of that day.¹ It provides that "no goods or commodities whatsoever shall be imported into or exported out of any of his Majesty's dominions in Asia, Africa, or America, and no goods or commodities of the growth, production, or manufacture of Africa, Asia, or America shall be imported into England or Ireland, etc., except in ships which do truly and without fraud belong to England or the English colonies, and whereof the master and three-fourths of the mariners at least are English, under penalty of the forfeiture of the ship and goods"; and it further enacts, that no goods shall be carried from one port of England to another, except in English vessels; and that goods the produce or manufacture of any country in Europe, shall only be imported into England, in vessels of the same country, or in English vessels. This was no doubt an exceedingly important statute, as affecting the mercantile marine of the country. It was, I think, sound and proper at the time, although its policy has of late been called in question. The Act of 1651 hastened, if it did not cause, the war with Holland. The Dutch were at that time the general carriers of the world, and the attempt to wrest a portion of this traffic from them brought on that fearful struggle in which the two great naval heroes Van Tromp and Blake were opposed to each other, and in which the former fell. The present revival of the Act had probably some influence in rekindling the war, which raged in 1665 and 1666 between the two countries. The contest was long and severe. At first it was in favour of the English, who after four days' hard fighting drove

1660.
12 Chas. II.
cap. 18.
Navigation
Act.

1665-66.
War with
the Dutch.

¹ *Ante*, p. 268.

the Dutch in a shattered condition to seek shelter in their own ports; but it ended disgracefully for England, De Ruyter having carried his fleet up the Thames, entered the Medway, destroyed the fortifications at Sheerness and Chatham, and even put the metropolis itself into a state of alarm. Notwithstanding this blot in our escutcheon, occasioned by culpable negligence on the part of the government, the naval power of England continued to increase with its increasing commerce, whilst that of its rival declined; and from the period of these great Dutch wars, the naval supremacy of England may be dated.

1660.
12 Chas. II.
cap. 34.

Cultivation
of tobacco
prohibited.

The 12 Charles II. cap. 34, prohibits the growing of tobacco in England or Ireland, and it deserves attention, as showing the estimation in which our American colonies were then held. The recital commences: "Considering of how great concern and importance it is that the colonies and plantations of this kingdom in America be defended, protected, maintained, and kept up, and that all due and possible encouragement be given unto them, the strength and welfare of this kingdom very much depending upon them, in regard of the employment of its shipping and seamen, and of the vent of very great quantities of its native commodities; and forasmuch as tobacco is one of the main products of those plantations, and that the tobacco planted in these parts is not so good and wholesome, and that by the planting thereof a considerable part of the revenue arising upon imported tobacco will be lost" —the home cultivation of tobacco is therefore prohibited, under penalty of forfeiting all that is raised, or the value thereof, and a further penalty of forty shillings for every rod or pole of ground planted, set, or sown with it. This prohibition was repeated ten years afterwards, with still more

stringent regulations, on the ground of its having been evaded.

It appears that the price of leather had risen so high, owing, it is said, "to the quantities daily exported to foreign parts, that the poor sort of people are not able to buy those things made of leather which of necessity they must make use of"; and accordingly an Act was passed (14 Charles II. cap. 7) "to restrain the exportation of leather and raw hides." But after an interval of five years another Act (19 & 20 Charles II. cap. 10) recites, that "it is found by experience, since the late strict prohibition of the exporting of leather, that the prices thereof, and consequently of the raw hides, are very much abated, to the great discouragement of the breeding and feeding of cattle, and fall of the rents and value of land, and yet that the makers of boots and shoes, and other workers in leather, have still sold their wares very dear"; on which account, it is wisely determined to remove the restriction, and allow leather to be exported on payment of a duty of one shilling per hundredweight. The experience of the effects of prohibitive enactments afforded in this case, may be applied with advantage in others, and serve to prevent a similar tampering with supply and demand, and the free interchange of commodities, by which alone abundance and fair prices can be secured for the public.

We are now arrived at 14 Charles II. cap. 12, the important statute by which settlement, or the power of removal, was first established, and which is therefore usually called "The Settlement Act," although it bears the title of "An Act for the better Relief of the Poor." The recital and chief enactments of this statute are without system or sequence, but I will notice the parts separately according to their import.

The Act begins by declaring that "the necessity, number, and continual increase of the poor, not only

1662.
14 Chas. II.
cap. 7.

1667-68.
19 & 20
Charles II.
cap. 10.

Exporta-
tion of
Leather.

1662.
14 Chas. II.
cap. 12.

The Settle-
ment Act.

within the cities of London and Westminster, but also through the whole kingdom, is very great and exceeding burthensome, being occasioned"—

1stly. "By reason of some defects in the law concerning the settling of the poor";

2ndly. "And for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want";

3rdly. "Together with the neglect of the faithful execution of such laws and statutes as have formerly been made, for the apprehending of rogues and vagabonds, and for the good of the poor."

And it further declares, that, "by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers."

After these two distinct recitals, it is enacted, "That upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace, within forty days after any such person or persons coming to settle as aforesaid, in any tenement under the yearly value of ten pounds," it shall be lawful "for any two justices of the peace, whereof one is to be of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native householder, sojourner, apprentice, or servant, for the space of forty

days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices; provided that all persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county at their next quarter sessions, who are required to do them justice, according to the merits of their cause."

The Act thus establishes a system of removal, applicable to every parish throughout the country, although the recitals, with the exception of the last, have reference to the metropolis and large towns; and the statement in the last recital does not afford ground for an enactment, which, whilst it restrains poor persons from resorting "to those parishes where there is the best stock and largest commons," at the same time restrains them from resorting to places where there is the best means of employment by which to gain their living.

It is impossible to examine this statute without seeing that it comprises objects having little affinity with each other. It has been described, in a report which was laid before parliament in 1851, as a fortuitous medley, compounded of two local and two general bills.¹ The writer of this report has ably discussed the whole question of settlement, both in its origin and results. He shows that the present bill was chiefly framed and carried through parliament by the metropolitan members, who were naturally desirous of being relieved from "the continually increasing number of poor within the cities of London and Westminster," and of being enabled to transfer them to the country parishes by means of this Act. The restriction of the power of removal to individuals occupying tenements "under

¹ See *Report to the Poor Law Board on the Law of Settlement*, by George Coode, Esq., barrister-at-law; ordered by the House of Lords to be printed, May 15, 1851.

the yearly value of ten pounds," is a proof of the metropolitan origin of this portion of the bill; for nothing like a £10 rental could be contemplated as the limit of removability in country parishes, where the cottages of the inferior labourers, and others whom the parish authorities might consider "likely to become chargeable," would at that time rarely exceed a rental of 20s., and those of respectable mechanics and tradesmen not above twice or thrice that sum.

The dread of London becoming over-populous which prevailed from Elizabeth's days downwards, and the proclamations which were issued from time to time prohibiting the erection of new buildings, and against people unduly resorting thither, to which the frequent outbreak of pestilence was attributed, all pointed to some such power of removal, and would no doubt be urged in parliament as valid grounds for the present Act. The country members were seemingly unaware of the consequences that would ensue from such an enactment; and participating in the apprehensions as to the over-peopling of London, acquiesced in the measure, which appears to have excited little attention, and was most likely considered nothing more than a defensive Act, to prevent the dangerous and burthensome congregating of vagrants in and around the metropolis.

If all the consequences had been foreseen, we can hardly doubt that the measure would have been opposed, possibly defeated. A fuller consideration of its provisions at the time, independently of any experience on the subject, might have shown that there were serious dangers connected with such a power as was proposed to be given—that to remove persons from a parish in order to prevent their becoming chargeable, might end in practically restricting them through life to their place of birth, destroying the incentives to independent effort, and perpetuating a low state of civilisation. We now know that such have, to a great extent, been the conse-

quences of this measure, notwithstanding the frequent emendations it has received ; and this might have been foreseen, as well as the frauds, ill-feeling, and expensive litigation which have arisen out of it, if more consideration had been given to the subject. But the congregating of the vagrant classes in London, and the dread of pestilence, appear to have overborne all other considerations, and hastened the passing of the Act.

By this statute the industrious labourer, if driven from his place of birth by want of work, deficiency of wages, or any other cause, is, on his entering another parish, liable to be seized by the parish authorities and sent back, on the ground that he is likely to become chargeable—his only certain exemption from such liability being the occupation of a tenement of not less than £10 yearly value. A like obstruction awaited the labourer or artisan who might seek to better his condition by changing his place of abode. He could nowhere feel certain of not being treated as an intruder. His claim of country was contracted to the boundaries of his parish, within which alone the law allowed him a right of domicile, and to which therefore it was natural that he should limit his efforts and restrict his sympathies. We have accordingly seen the labourers, through the force of habit and dread of change, cling to their parish with a tenacity which no temptation could loosen. They felt that there was no security for them beyond its pale, and that, if they attempted to leave it in search of something better elsewhere, they would certainly be sent back, sooner or later, and not improbably be placed in a worse position than before. We have also seen parishes “cleared” of labourers, and other parishes improperly burthened with them, to the easement of the one and the injury of the other ; for these labourers, having become “settled” in the burthened parish, are entitled to be there relieved, although they may be employed in another parish,

which, under the influence of a selfish policy, had been "cleared" of the labourers, who in the natural course of things would have been residing therein.

These and other consequences arising out of the present Act might have been foreseen, but no apprehensions of the kind appear to have occurred to the framers of the measure, whose chief object seems to have been the prevention of persons unduly congregating in London and Westminster. If they had been influenced by larger views, instead of sending back to his place of settlement a person who was destitute, or deemed likely to become so, they would have seen that all which was necessary was to afford needful relief to destitution in the place where it occurred—taking care, at the same time, to give it in a form that should not have the effect of tempting applicants, encouraging idleness, or promoting improvidence. With relief so provided for the really destitute at the public charge, mendicancy and vagrancy might properly be prohibited and subjected to punishment.

The phrases "coming to settle," and "legally settled," in this Act, are not used in the sense in which the term "settled" came afterwards to be understood, but rather as it was regarded in 27 Henry VIII. cap. 25, and in 1 Edward VI. cap. 3.¹ The latter directs that an idle vagrant should be branded with the letter V, and be sent to the place of his birth, and there compelled to labour as the slave of the inhabitants; but the impotent poor are directed to be conveyed to the place where they were born, or most conversant, and there nourished of alms. The vagrant and impotent poor are the only parties noticed in any preceding Act, in connection with a settled domicile: but the present Act extended this connection to all, with the exception of those persons only whose circumstances enabled them to occupy a tenement of the yearly value of £10 and

¹ *Ante*, pp. 121 and 129.

upwards ; and the whole of the labouring classes throughout the country were thus subjected to a restriction, which had previously been applied only to the idle and the impotent—to the vagrant, whose vicious habits it was necessary for the well-being of the community to punish and restrain ; and to the infirm and impotent poor, whose wants it was necessary, on the score of humanity, to mitigate and relieve.

These latter classes, who alone seem to have come under the purview of the framers of the bill, and with whom alone the Act professed to deal, may not perhaps have been subjected to greater restriction than was at that time necessary, for securing adequate relief to the one and a proper control over the other. But with respect to the rest of the population, the industrious classes, on whose intelligence and energy the welfare of the community so much depends, the case is widely different. There could have been no grounds for imposing such restrictions upon them. If in pursuance of their natural and undoubted right, they quitted the place of their birth or casual abode in search of a better field for the exercise of their industry, they only fulfilled a duty which they owed to themselves and their country ; and ought to have been assisted in such an endeavour, instead of being restrained in its exercise, as they are by the present Act.

The power of removal thus established, was at first, in all probability, applied to vagrants and the infirm poor only, and some time may have elapsed before the industrious classes became aware of the existence of this power. But its operation would be no sooner felt, by the enforced return of a labourer who had gone from his parish in search of employment, or with the view of bettering his condition, than all similarly ambitious efforts on the part of others in that parish would be checked. The self-reliance and hopefulness which stimulate to adventure, and which led the labourers

forth in search of an improved position, and often imbued them with faculties for turning whatever fell in their way to the best account—these qualities, so valuable in a population, would all be paralysed, or so modified as to operate only within the limits of their own parish, beyond which the labourer's wishes and efforts would rarely extend. He would, in fact, become a kind of serf, or slave of the soil, and his social position would be lowered accordingly.¹

Exception
in time of
harvest.

The species of bondage to which the industrious classes are subjected by this statute, is however in some degree mitigated by its 3rd section, which declares "that it shall be lawful, this Act notwithstanding, for any person or persons to go into any county, parish, or place, to work in time of harvest, or at any time to work at any other work, so that he carry with him a certificate from the minister of the parish, and one of the churchwardens, and one of the overseers of the poor, that he has a dwelling and is declared an inhabitant there." And in such case, if he fall sick, or does not return when his work is done, it is not to be accounted "a settlement," but he may be removed back to his former place of abode by order of two justices, as is prescribed in other cases. This provision was probably devised by the country members, whom it would enable to obtain labourers at harvest time, without

¹ The Hon. Roger North, in his discourse on the tendency of the Poor Laws, written about the period of the Revolution in 1688, but not made public until 1753, observes with respect to settlement: "Surely it is a great imprisonment, if not slavery, to a poor family to be under such restraint by law, that they must always live in one place, whether they have friends, kindred, employment, or not, or however they might mend their condition by removing, and all because they had the ill luck to be born or to have served or resided a certain time there. Such persons, if they had spirits, have no encouragement to aspire to a better condition, since, being born poor and in a place which gives no means to be otherwise, they are not allowed to go and search it elsewhere, and if they find it they are not permitted to entertain it. Then their spirits sink, and they fall into a sottish way of living, depend on the parish, who must, however wretchedly, maintain them.

burthening their parishes with a "settled" population ; but such labourers must come from towns or villages, for no rural parish would spare any of its people at so busy a season. The rural labourer who applied for a certificate, would certainly be refused by some one, if not by all, of the three whose signatures were necessary to make it valid, unless indeed the character of the applicant rendered his absence desirable, in which case the parish authorities might readily grant him the required certificate, and thus transfer to others that which was useless or burthensome to themselves. So far as the good and well-conducted agricultural labourers were concerned, however, this certificate system could have little effect ; and they would continue chained to their parishes by a kind of necessity, which they would find it impossible to break through.¹

The other provisions of the Act are of little importance, compared with those relating to settlement. They chiefly refer to the establishment of workhouses within the bills of mortality, and the apprehending of rogues and vagabonds and setting them to work therein, which is indeed a further proof of the metropolitan origin of the statute. Workhouses appear to have been regarded at that time with much favour, as affording means for employing the poor and preventing vagrancy. There were various publications on the subject both then and subsequently ; but they all assumed that manufacturing operations might in such institutions be carried on with profit in a commercial sense, as well as with advantage in other respects.

This was the view taken of the institution of workhouses by that good man and eminent judge, Sir Matthew Hale, and which he explained in *A Discourse touching Provision for the Poor*, written certainly before the passing of the Settlement Act,

Sir
Matthew
Hale's
"Discourse
touching
Provision
for the
Poor."

¹ For a comparison with the Scotch law of settlement, see *History of Scotch Poor Law*, pp. 88, 89.

which it does not notice, and probably before the Restoration, although not published until 1683, six years after his death. His opinions on the subject were, however, in all probability known to many persons at this time, and would have much weight with his contemporaries both in and out of parliament. He recommends "that justices of peace at the quarter sessions should distribute the parishes in their several counties into divisions—one, two, three, four, five, or six parishes to a workhouse, according to their greatness or smallness; and to build or procure a convenient workhouse in each division for employing the poor, and for lodging materials, and for instructing children in trade or work; and to choose a master for each workhouse with convenient salary, and two overseers to see to the issuing and return of the stock, and to take accounts of the same; and that the master and overseers of every workhouse should be incorporated, and be accountable to the quarter sessions; and that, if any person, not able to maintain himself, and able to work, shall refuse to do so, he may be forced thereunto by imprisonment and moderate correction in such workhouse."

He then proposes several judicious regulations for the government and management of these workhouses; after which he points out in much detail the advantages of his plan. "For," he says, "no person will have need to beg or steal, because he may gain his living better by working; and no man will be so vain, and indeed hurtful to the public, as to give to such as beg, and thereby to encourage them, when he is sure they may gain their living by working. And all the laws against vagrants, beggars, and wanderers, will be then effectually put in execution, when we shall be sure they may be employed if they will; but till that, the interdicting and punishing of the beggars and givers seems a most unreasonable piece of imprudence as well as

uncharitableness." He then adds: "By this means the wealth of the nation will be increased, manufactures advanced, and everybody put into a capacity of eating his own bread." And he concludes with recommending his plan as "a debt which we owe to our nature as men, a work highly necessary to us as Englishmen, and our first duty as Christians." He further remarks, with great force and truth, that "The want of a due provision for the education and relief of the poor in a way of industry, is that which fills the gaols with malefactors, and fills the kingdom with idle and unprofitable persons, that consume the stock of the kingdom without improving it, and that will daily increase, even to a desolation, in time. And this error in the first concoction is never remediable but by gibbets and whipping. But there must be a sound, prudent, and resolved method for an industrious education of the poor, and that will give better remedy against these corruptions than the after-gains of penalties can."¹

It is not a little remarkable, that the plan of uniting parishes, and providing a common workhouse, recommended by Sir Matthew Hale, should be almost identical with that which was actually established nearly two centuries after: but the similarity does not proceed further, for the modern workhouse is so ordered as to be a test of destitution, as well as the medium for relief; whilst Sir Matthew Hale proposed to make the workhouse a mart of industry and a source of profit, on the assumption that manufacturing occupations might be advantageously carried on in such establishments by means of a common rate—an assumption opposed to sound principle, and at variance with all subsequent experience. Although his proposal is open to objection

¹ Sir Matthew Hale's *Discourse* is given at length in Dr. Burns's *History of the Poor Law* published in 1764, and the chief and essential portions of it are given and commented on by Sir F. Eden in his work on the *State of the Poor*. Both have been used in the above summary.

in this respect, the testimony of Sir Matthew Hale, that workhouses for associated parishes afford the best means of dealing with the difficulties connected with the relief of the poor, is extremely important. His authority is of so much weight in matters of this nature, and he stands so deservedly high in general estimation, that the public will be prepared to assent to what he so strongly recommends.¹

1662.
14 Chas. II.
cap. 13.

Importa-
tion of
bone-lace
prohibited.

The 14 Charles II. cap. 13, is entitled "An Act prohibiting the importation of foreign Bone-lace, Cut-work, Embroidery, Fringe, Band Strings, Buttons, and Needlework"; and I extract the preamble, as it affords an insight into the state of one branch of our manufacturing industry at that time. It begins by stating, that "great numbers of the inhabitants of this kingdom are employed in the making of bone-lace, etc., who, by their industry and labour, have attained so great skill and dexterity in the making thereof, that they make as good of all sorts as is made in any foreign parts, by reason whereof they have been heretofore able to relieve their poor neighbours, and maintained their families, and also to set on work many poor children and other persons who have very small means of living other than by their labours in the said art." It is then declared that the persons engaged in this manufacture, have imported large quantities of thread and silk from foreign parts to the benefit of the revenue, until of late that great quantities of foreign bone-lace, etc., have been brought into the kingdom by foreigners and others without paying any duty for the same, owing to which the said trade is much decayed, those employed in it much impoverished, the manufacture much decreased, and many thousand poor people like to perish for want of employment. The importation is then prohibited

¹ Similar legislation took place in Scotland and Ireland about this time. See *History of Scotch Poor Law*, pp. 65, 66, and *History of Irish Poor Law*, pp. 35, 38.

under penalty of forfeiture, and a fine of £100; and the selling or offering foreign bone-lace, etc., for sale, will subject the offender to forfeiture of the goods and a penalty of £50. A formidable array of evils is here set out as consequent on the importation of this foreign manufacture, the chief of which are the loss to the revenue by smuggling, and the increase of the poor rates by the numbers thrown out of employment. We gather from the above, however, that the first step in the process of lace-making was not at that time performed in England, the thread being, it appears, imported in great quantities, and in all probability the silk also procured in a prepared state. Nevertheless, the extent of the manufacture, and the excellence it had attained, are evidence of the progress skilled labour had then made in England, and warrant an expectation of further improvement.

With the same view of protecting home manufacture, the exportation of wool and fuller's earth was shortly afterwards prohibited by 14 Charles II. cap. 18. The recital states, "that great number of sheep, and great quantities of wool and fuller's earth, are secretly exported and conveyed into Scotland and other foreign parts, to the great decay of the woollen manufacture, the ruin of many families, and the destruction of the navigation and commerce of the kingdom." And it is then enacted, that all such exporting of sheep, wool, or fuller's earth, or loading the same for exportation, shall subject the offenders to "suffer and forfeit as in case of felony." Of the policy of such restrictions little need be said. How far they are susceptible of being carried into effect, may depend upon circumstances. But it is generally found that countries will contrive, in some way or other, to procure the commodities of which they stand in need; and it is surely better that this should be done in the way of open traffic, than that it should be effected covertly. By Scotland's

1662.
14 Chas. II.
cap. 18.

Exporta-
tion of
sheep wool
and fuller's
earth
prohibited.

being thus specifically included with "other foreign parts" to which sheep were not to be "exported," it would seem that little progress had yet been made towards a cordial union of the two countries, notwithstanding the blandishments of James, and the rougher handling of Cromwell. The Scotch were now apparently turning attention to the improvement of their flocks, and they would doubtless find means to procure from beyond the border the new stock wanted for this purpose, in spite of the heavy penalty imposed by the present Act.

1663.
15 Chas. II.
cap. 7.

For en-
courage-
ment of
trade.

In the following year 15 Charles II. cap. 7, was passed, professedly "for the encouragement of trade." It declares that great quantities of land, at present lying waste or yielding little, might be improved to considerable profit, if encouragement were given for the laying out of cost and labour on the same. And it is therefore enacted, that when the prices of corn and grain, Winchester measure, at the havens or places where the same shall be shipped or laden, do not exceed—

| | | Per quarter. | |
|----------------|-----------|--------------|----|
| | | s. | d. |
| Wheat | | 48 | 0 |
| Barley or malt | | 28 | 0 |
| Buckwheat | | 28 | 0 |
| Oats. | | 13 | 4 |
| Rye. | | 32 | 0 |
| Peas or beans | | 32 | 0 |

Export
prices of
corn.

—it shall be lawful "to ship and transport any of the said corns or grains unto any parts beyond the seas, paying the rates for the same granted by the Act of Tonnage and Poundage." And it is also further enacted, that when the prices of corn and grain do not exceed the above amounts respectively, a custom and poundage rate shall be charged "on any which shall be imported from any parts beyond the seas," whence it seems to follow that, when the prices shall exceed the above amounts, no rate will be charged on importation.

There is a further provision in this Act, authorising all persons, when prices do not exceed the above, “to buy in open market, and to lay up and keep in granaries, and, after three months, to sell again, such corn or grain as, without fraud or covin, shall have been bought at or under the above prices, without incurring any penalty, any law or usage to the contrary notwithstanding.”

Storing of
grain per-
mitted.

At the end of seven years a new arrangement with respect to the export and import of corn was established by 22 Charles II. cap. 13, which, “for the further encouragement of tillage, and for the common good and welfare of the kingdom,” enacts, that all sorts of corn and grain may be exported on payment of the prescribed duties, although the prices thereof shall exceed the rates set down in the previous Act;¹ and then establishes the following regulations with regard to imports:—

1670.
22 Chas. II.
cap. 13.

For en-
courage-
ment of
tillage.

| | Duty payable per quarter. |
|--|------------------------------|
| Wheat may be imported when the price shall <i>not</i> exceed 53s. 4d. a quarter, on paying a custom and poundage duty of | s. d. 16 0 |
| When it <i>shall</i> exceed that price, and not be above 80s., on payment of | 8 0 |
| Rye, when the price doth not exceed 40s. a quarter, is subjected to an import duty of | 16 0 |
| Barley and malt, when the price doth not exceed 32s. a quarter, to | 16 0 |
| Buckwheat, when not exceeding 32s. a quarter | 16 0 |
| Oats, when the price does not exceed 16s. a quarter | 5 4 |
| Peas and beans, when not exceeding 40s. a quarter | 16 0 |

The price of wheat in Windsor market in 1670, according to the Eton Tables, was 41s. 8d. a quarter, and of malt, 36s. 6d. a quarter; and deducting 1-9th to bring the Windsor to the Winchester or statute measure, the prices would be respectively 37s. 0½d. and 32s. 5¼d.; so there was a large margin for increase, before a reduction of duty could take place. We can hardly fail of being here reminded of the scale of

¹ The 15 Charles II. cap. 7.

duties established a century and a half later, for regulating the importation of corn. "The common good" was, on both occasions, the ostensible and avowed object; but it seems impossible to doubt that the governing, although it may be the unconscious, motive for such legislation, was the protection of the landed interest and the keeping up of rents.

1663.
15 Chas. II.
cap. 7.

We will now return to 15 Charles II. cap. 7,¹ the 4th section of which commences with this preamble: "And in regard his Majesty's plantations beyond the seas are inhabited and peopled by his subjects of his kingdom of England, for maintaining a greater correspondence and kindness between this kingdom and the plantations, and for keeping them in a further dependence upon it, and rendering them yet more advantageous unto it, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places for supplying of them"—it is then enacted that "no commodity, the production or manufacture of Europe, shall be imported into any English colony, but what shall be *bonâ fide* laden and shipped in England, in English shipping, and whereof the master and three-fourths of the mariners at least are English, and which shall be carried directly thence to the said colonies, and from no other place whatsoever," under penalty of the loss of the commodities and the vessel importing them. By thus restricting the colonies in obtaining their supplies, the manufactures and shipping of England would no doubt be benefited; but in shutting out competition the great stimulus to improvement would be excluded, and the result might in the end prove injurious, although the exclusion might at first operate beneficially. This, however, only applies to the mother-country, for as regards the colonies the restriction could not be otherwise than injurious to

Goods imported by the colonies to be in English shipping only.

¹ *Ante*, p. 292.

them. Such was nevertheless the practice of that day, it being, as is asserted in the present Act, "the usage of other nations to keep their plantation trade to themselves."

As the colonies were subjected to restrictions for the benefit of the manufacturing and shipping interests, so again were these and the community generally subjected to restrictions for the benefit of the agriculturists. In the 10th section of the Act, it is declared that much of the richest and best land is employed in the fattening of cattle, and that, by the coming in of vast numbers of cattle already fatted, such lands are "much fallen, and like daily to fall more, in their rents and values, and in consequence other lands also, to the great prejudice and impoverishment of this kingdom." It is then enacted, that, for every head of great cattle imported or brought into England, between the 1st of July and the 20th day of December in any year, there shall be paid a duty of twenty shillings, and for every sheep a duty of ten shillings. And in case of evasion being attempted, a further sum of ten shillings is, by way of penalty, to be paid to the person who shall inform, or seize the cattle, and another sum of ten shillings to "the poor of the parish where such seizure or information shall be made." By thus preventing the importation of cattle between the 1st of July and the 20th of December, the English graziers would be secured in a market for their fat stock; whilst their foreign competitors, including the Scotch and Irish, would be able to interfere with them very little during the rest of the year.

The foregoing provisions refer to matters of much social importance, and help to throw light on the economical views prevalent at the time, as well as on the general circumstances of the country. The same may be said of 15 Charles II. cap. 15, which declares that vast quantities of linen cloth, and other manufac-

Duty on
the import-
ation of
cattle.

1663.
15 Chas II.
cap. 15.

Cultivation
of flax and
hemp en-
couraged.

tures of hemp and flax, and of tapestry hangings, are daily imported, to the great detriment of the kingdom and the non-employment of the poor, whilst "flax and hemp might be had here in great abundance, and very good, if, by setting up the manufactures of such commodities as are made thereof, it would be taken off the hands of such as sow and plant the same"—it is therefore enacted, for encouraging the setting-up of such manufactures, that all persons whatsoever, whether natives or foreigners, may freely exercise the trade and occupation of breaking, hickling, or dressing hemp and flax, and spinning, weaving, making, whitening, or bleaching any sort of thread or cloth made of the same, and also the trade or mystery of making tapestry hangings. Foreigners who shall really and *bonâ fide* set up and use any of these trades the space of three years, are, on taking the oaths of allegiance and supremacy, entitled to all the privileges of natural-born subjects. The careful attention now paid to all questions connected with trade, is a proof that it was better understood and better appreciated. This may in some degree have been owing to the example of Holland, with which there was now a constant intercourse. During the late troubles, Charles himself and his minister Clarendon, with many other of his adherents, chiefly resided in that country, and had witnessed the high state of opulence and civilisation to which it had been raised by commercial industry, an example which could hardly be forgotten on their return to England.

1664.
15 Chas. II.
cap. 17.

The Bed-
ford Level.

The next Act I shall notice is 15 Charles II. cap. 17, for "Settling the Draining of the great Level of the Fens, called Bedford Level." It recites, that, after several fruitless attempts for draining the same, the great and noble work was undertaken "by Francis late Duke of Bedford, according to a law of sewers made at King's Lynne, in the sixth year of the late

reign," etc. The Earl of Bedford and the other adventurers are now made a corporation for Fens, of which the Earl of Bedford is declared governor, and very elaborate provisions are enacted for regulating their proceedings. If, as has been said, the man who makes two blades of grass grow where one only grew before, is entitled to the gratitude of the community, the individuals who undertook the draining of this fenny, and, in its then state, nearly valueless tract of 95,000 acres, and brought it into profitable cultivation, must be admitted to have accomplished "a great and noble work, of much concernment to the whole country." The example of the Dutch may, in this instance likewise, have had some influence, a great part of Holland having been in like manner rescued from the waters and adapted to profitable culture. When rivalry between neighbouring states is limited to promoting improvement and constructing works of utility, the rivalry is alike beneficial to both. The rivalry between the Dutch and the English was in part only of this nature, for it gave rise to a war deadly and protracted, which we shall shortly have to notice.

With the increase of trade, our shipping demanded increased attention, and an important Act was now passed (16 Charles II. cap. 6) "to prevent the Delivering up of Merchant Ships." The Act recites, "that masters and commanders of merchant-ships do not suffer their ships to be boarded, and the goods to be taken out by pirates and sea rovers, notwithstanding they have sufficient force to defend themselves, whereby the merchants are much prejudiced, and the honour of the English nation is much diminished"; it then enacts, that if the commander of any English ship of the burthen of two hundred tons or upwards, and mounted with sixteen guns or more, shall yield the same to any Turks, pirates, or sea rovers, without fighting, "he shall be thenceforth incapable of taking

1664.
16 Chas.II.
cap. 6.

Against
surrender-
ing to
pirates,
etc.,
without
fighting.

charge of any English ship or vessel as master or commander thereof"; and a like penalty is imposed upon the master of any vessel of less burthen and fewer guns who shall yield without fighting to any Turkish ship, pirate, or sea rover, "not having at the least double his number of guns." The seamen and inferior officers refusing to fight and defend their ship, are to forfeit their wages, and suffer not exceeding six months' imprisonment at hard labour; and if the master is hindered from fighting, and compelled to surrender by the violence and disobedience of his crew, the offenders are to suffer death as felons; but mariners wounded in defending and saving a ship are to be rewarded.

1670-71.
22 & 23
Charles II.
cap. 11.

Encourage-
ment for
building
good and
defensible
ships.

Six years afterwards another Act was passed, extending the reward granted to mariners wounded in defending their ships, to the widows and children of those who are slain in the performance of that duty. This Act (22 & 23 Charles II. cap. 11) further provides for the better encouragement of building good and defensible ships, by allowing persons who shall "build, or cause to be built, any ship or vessel of three decks with a forecastle, and five feet between each deck, mounted with thirty pieces of ordnance at least," *one-tenth part* of the customs payable on the goods exported or imported in such ship, for the first two voyages to any foreign parts; and persons who shall build ships of two decks, above three hundred tons and thirty guns, *one-twentieth part*. This was doubtless an effectual way to promote the building of large "defensible" vessels, and was probably adopted with a view to offensive operations as well; for when so constructed they might, on occasion, be used as ships of war.

1666.
18 & 19
Charles II.
cap. 2.

The 18 & 19 Charles II. cap. 2, is entitled "An Act against importing Cattle from Ireland, and other parts beyond the Seas." The late Act "for preventing

the coming in of vast numbers of Cattle, whereby the Rents of Land were much fallen,"¹ is declared to have been found ineffectual; and it is further declared, that the "importation either of lean or fat cattle, dead or alive, is not only unnecessary but very destructive to the welfare of this kingdom, and is a public and common nuisance." The constables, tithingmen, head-boroughs, churchwardens, and overseers of the poor, are therefore, within their respective parishes and places, empowered to seize all such cattle; and in default of proof, by the oath of two credible witnesses, "that the same were not imported from Ireland or other place beyond the sea," the same are to be forfeited, one half to the poor of the parish, and the other half to his use that shall so seize the same.

It appears, however, that this prohibition was disregarded, for in the following year 19 & 20 Charles II. cap. 12, declares that great number of cattle, etc., were still imported, and that divers of the constables and parish officers living near the sea, combined with the owners of such cattle, etc., for colourable seizures; wherefore it is enacted, that any other person may seize the cattle, etc., so wrongfully imported, and deliver the same to the officers, "to be kept, ordered, and disposed as is before directed"; and if the officers or inhabitants of the parish or place where any such cattle, etc., shall be imported, fail to seize the same, the inhabitants are for every default to forfeit the sum of £100, for the use of the house of correction within the county or liberty where such default shall be." Any ship bringing cattle, etc., from Ireland or any place beyond sea, is to be forfeited, and may be seized and sold, one-half the money thereby raised to go to the poor of the parish, the other half to the use of him who shall seize the same; and the master and mariners having charge of any such ship, and the persons em-

Against
importing
cattle.

1667.
19 & 20
Charles II.
cap. 12.

Against
importing
cattle.

¹ *Ante*, p. 295.

ployed in landing, driving, or taking charge of the cattle, sheep, swine, beef, pork, or bacon so imported, are to be committed to the common gaol for three months. And further, if any person shall conspire to evade the seizures and forfeitures upon importation of cattle, etc., in this Act specified, every such person, being thereof lawfully convicted, "shall incur the dangers, pains, penalties, and forfeitures of premunire."

These enactments afford another instance of the difficulty of stopping short of extreme penalties, if it be attempted to enforce restrictions which are opposed to the general wants and interests of a people. In the present instance it is clear, notwithstanding the declaration to the contrary, that the cattle and provisions were wanted, else they assuredly would not be imported; and the attempt made in these two Acts to deprive the people of a natural and necessary supply, for the purpose of benefiting a particular class, was both unjust and impolitic; whilst by the creation of new and artificial crimes, and cumulative penalties, the sense of moral right would be outraged, and the feelings of the people be arrayed against the law, instead of giving it support, and adding to its efficiency.

1666.
18 & 19
Charles II.
cap. 4.

The wool-
len manu-
facture.

The 18 & 19 Charles II. cap. 4, entitled "An Act for the encouragement of the Woollen Manufactures of the Kingdom," directs that no person shall be buried "in any shirt, shift, or sheet" other than what is made of woollen only, upon pain of forfeiting the sum of £5 to the use of the poor. This statute was re-enacted in 1678, with many additional provisions for detecting and punishing evasions of the law, and, among other things, directing parsons, vicars, and curates to keep a register of burials. The frequent appropriation of fines and penalties to objects connected with the relief of the poor, which appear in the Acts of this period, shows that the Poor Law was now in full operation, and

recognised as one of the permanent institutions of the country.

We have now reached a most eventful period in the history of our country. At the end of the year 1665 ^{1665.} England was involved in war with Holland, France, ^{The great plague, and war with the Dutch.} and Denmark; and a dreadful plague raged in London, scattering the inhabitants and destroying a hundred thousand persons before it entirely subsided. Whilst this fearful pestilence was raging in the metropolis, the English fleet encountered that of the Dutch off Lowestoft, on the third of June, and after a sanguinary engagement, in which the Dutch admiral was blown up with his ship and crew, and eighteen other Dutch ships were taken, sunk, or destroyed, they were compelled to retreat to their own harbours. The Dutch displayed wonderful energy in re-equipping their fleet. The English were less active; but the two fleets again met on the 1st of June in the following year, and after four days' hard fighting, with various success, the fleets were separated by a fog, neither being in a condition to renew the combat, which, for duration and the desperate courage exhibited on both sides, was perhaps the most memorable naval engagement the world has ever known. In the following month both fleets were again at sea, and a deadly struggle was once more made for the mastery. Victory now declared against the Dutch, who were driven back, shattered and disheartened, to the Texel.

But a more fearful calamity even than foreign war ^{1666.} was now at hand: the great fire of London broke out ^{Fire of London.} in the night between the 2nd and 3rd of September of this year, and raged with uncontrollable fury for three days, destroying nearly the whole of the city. Not disheartened by this awful visitation, the parliament again voted liberal supplies for continuing the war; but the Dutch nevertheless found us so ill prepared, that they were enabled with a powerful fleet to insult

our coasts, enter the Thames, and destroy the fortifications at Sheerness, and even put the metropolis itself into a state of great alarm. This disgrace was deeply felt, and was attributed to the improvidence and corruption of the Court, which had also, the people believed, by its gross immorality, brought down the Divine vengeance upon the nation.

Peace with
the Dutch.

Shortly after these events, peace was concluded with the Dutch, each country being left weakened and impoverished by the war. The king afterwards submitted to become a pensioner of France, and joined Louis the Fourteenth in his war against the Dutch, and in his designs for conquering the Flemish provinces. In May 1672, the combined English and French fleet encountered the Dutch fleet under De Ruyter at Solebay, and after fighting the entire day, the fleets separated, miserably shattered, and without advantage on either side. The year following, there were three several engagements between the combined and the Dutch fleets, all desperately fought, and all without any decided advantage to either party. In the early part of 1674 peace was, however, again made with the Dutch, the public feeling in England being strongly opposed to a continuance of the war, and the preponderating influence of France then exciting much jealousy and apprehension.

1671.
War with
the Dutch.

1674.
Peace with
the Dutch.

This short sketch of what was passing at this time seemed necessary, as the events exercised, and long continued to exercise, an important influence on the circumstances of the country, especially with regard to shipping and commerce, in which a large amount of capital was embarked, and a considerable portion of the population were engaged.

1666.
18 & 19
Charles II.
cap. 8.

The 18 & 19 Charles II. cap. 8, entitled "An Act for rebuilding the City of London," is very interesting and important. It recites that the City of London had been by a most dreadful fire lately

burnt down and destroyed, and now lies buried in its own ruins. For the speedy restoration whereof, and to the end that great and outrageous fires may be prevented in future, minute regulations are established for the erection of the new buildings. Four sorts of houses are described, to some one of which every new structure is to conform. The buildings are to be all of brick or stone, and to have party walls; and the height and thickness of the walls, and the roofing of each sort of house, is prescribed. Thirty-nine new churches are ordered to be erected, and a duty of a shilling a ton is laid on coals to defray the cost of the public buildings. The benefits of this Act have extended to the present day; and if all the plans of Sir Christopher Wren had been adopted, the benefits would have been still greater. But private interests, and the amount and diversity of the property affected, prevented the entire adoption of the plans of the great architect, which, although in part only acted upon, entitle him to be regarded as a public benefactor.

The 19 & 20 Charles II. cap. 11, is entitled "An Act to regulate the Trade of Silk Throwing." It appears that the master and wardens, and part of the commonalty, of the trade or mystery of silk-throwers of the City of London, had endeavoured to put in execution an old bye-law that restrained the freemen from working with above one hundred and sixty spindles, which is now declared to be a great hindrance, depriving many thousand poor families of livelihood, and putting traders to the necessity of using foreign thrown silk. The said bye-law is therefore made void, and no bye-law is to be made in future to "restrain or limit the number of mills, spindles, or other utensils used by the freemen in the said art, or to limit the number of apprentices to be taken by any of the freemen." The restrictive bye-law thus abrogated, aimed at no more than what has at some time or other

The re-
building of
London.

1667-68.
19 & 20
Charles II.
cap. 11.

Trade of
silk throw
ing.

been attempted by every trading or manufacturing community, with a mistaken view to their own particular benefit, as if it were possible for them to prosper as individuals, unless their "trade, craft, or mystery" prospered likewise, to which prosperity all such restrictions are positive bars. The silk trade would now seem to have attained considerable importance in England.

1670-71.
22 & 23
Charles II.
cap. 7.

Burning
stacks and
injuring
cattle.

A pernicious practice, arising out of a disturbed and ill-conditioned state of society, appears at this time to have prevailed in some parts of the country, to arrest which 22 & 23 Charles II. cap. 7, was passed. The Act commences by reciting that divers lewd and evil-disposed persons have of late secretly practised unlawful and wicked courses, in burning ricks and stacks of hay, corn, and grain, destroying buildings and trees, and cutting, maiming, wounding, and killing horses, sheep, beasts, and other cattle"—for prevention whereof, and discovery of the offenders, it is enacted, that all persons convicted of any of the above offences shall suffer as in case of felony, unless such offender, "to avoid judgment of death, shall make his election to be transported beyond seas to any of his Majesty's plantations, for the space of seven years," before which if he returns, "he shall suffer death as a felon." The practices here denounced have since unhappily prevailed at different periods, causing alarm, and exciting distrust and ill feeling towards the poorer classes, who are all thus made to suffer through the criminal practices of an evil-disposed few.

1670-71.
22 & 23
Charles II.
cap. 18.

Work-
houses in
the metro-
polis.

The 22 & 23 Charles II. cap. 18, is entitled "An Act for the better regulating of Workhouses for setting the Poor on Work." This wording is general, but the Act really applies to the metropolitan parishes only. It would seem that some irregularities had occurred with respect to the corporations created by 14 Charles II. cap. 12, and it directs that all moneys assessed

in pursuance of the said Act, since the 1st of March 1665, shall be collected and paid to the treasurers of the respective corporations by or before the 29th of September 1671; and that all moneys already collected shall be paid to the said treasurers by or before the 1st of June 1671. The officers and treasurers are to submit quarterly accounts to the justices of peace, and are not to raise any more moneys until there be a just account given to, and allowed by, the said justices. The Act further provides that the money to be levied in any of the said parishes, in any year, shall not exceed one-fourth of the poor-rates for that year; and likewise, that no assessment under it shall be made on any of the parishes after the 29th of September 1675, at which time therefore, it appears, the power of levying money for these corporations and workhouses, separately from the poor-rate, will cease, and they will come under the provisions of the general law.

About this time, likewise, 22 & 23 Charles II. cap. 20, was passed, a measure not strictly appertaining to the Poor Law, but yet bearing upon an important section of the people. It is entitled "An Act for the Relief and Release of poor distressed Prisoners for Debt"; and it recites, "Forasmuch as many persons now detained in prison are miserably impoverished, either by reason of the late unhappy times, the sad and dreadful fire, their own misfortunes, or otherwise, so as they are totally disabled to give any satisfaction to their creditors, and so become, without advantage to any, a charge and burthen to the kingdom; and by noisomeness (insuperably incident to extreme poverty) may become the occasion of pestilence and contagious diseases, to the great prejudice of the kingdom"—It is therefore enacted that any justice of the peace may, on the petition of a person imprisoned for debt, administer to him an oath to the effect that "he has no real or

1670-71.
22 & 23
Charles II.
cap. 20.

Insolvent
debtors.

personal estate, in possession, reversion, or remainder, of the value of £10 in the whole, or sufficient to pay the debt"; and may give a certificate thereof to be served upon the creditor, who is thereupon required to appear with the said debtor before the justices at the next quarter-sessions, where if the oath be not disproved by good testimony, the said justices, being satisfied therein, are to discharge the said prisoner without fee or chamber-rent. If the creditor shall, notwithstanding, insist on the prisoner's continuing in gaol, then he is "to allow and pay weekly such reasonable maintenance to the said prisoner as the justices shall order, not exceeding eighteen pence a week; and upon non-payment of the same weekly, the said prisoner is to be set at liberty." Although obviously open to objection, and liable to abuse, this was surely on the whole a judicious Act. No good could arise from keeping a man in confinement, who has not the means of paying his debt. It must, however, at the same time be admitted, that the certainty of being thus released, may have the effect of making a man somewhat less careful of getting into such a predicament. This was the beginning of the law in aid of insolvent debtors.

The whale-fishery had hitherto been carried on entirely by the Dutch, but it was now determined to participate with them in that lucrative and adventurous pursuit; and accordingly, 25 Charles II. cap. 7, was passed, "For the encouragement of the Greenland and Eastland Trades." The Act declares that all persons residing in England, whether native or foreigners, may freely embark in the Greenland trade, and that whale-fins, oil, and blubber, taken in vessels belonging to England, may be imported free of duty; whilst oil of foreign fishing is subjected to an import duty of £9 a ton, and whale-fins of foreign fishing to a duty of £18 a ton. Liberty is also given for half the crew of the vessels engaged in whale-fishing to be "foreign

1672.
25 Chas. II.
cap. 7.

Encouragement of the
Greenland
and East-
land trade.

harpinierers," without being liable to extra duty ; but all such vessels are to be built and equipped in England, and are to sail direct from thence. It is further enacted that all persons, whether natives or foreigners, shall have free liberty to trade into Sweden, Denmark, and Norway, notwithstanding the charter granted to the Eastland Company, of which any English subject is, on demanding the same, to be admitted a member. A laudable solicitude is here manifested for encouraging trade, and in this instance the course taken was certainly in the right direction, by lessening duties and removing restrictions.

The interval between the enactment of the above statute, and that of the next requiring notice, was full of alarms, jealousies, and discontent. The immoralities of the Court, and the dissolute conduct of the higher classes, the open adherence of the king's brother, and probable successor, to the Church of Rome, and the suspected leaning that way of Charles himself, together with the mismanagement of the affairs of the country, and the gross corruption pervading every department of the government, all tended to excite distrust and apprehension. At other times, when the public were disturbed by like jealousies and alarms, Acts¹ had been passed for the strict observance of Sunday, which Protestants of every denomination held a point of duty, whilst Romanists were less strict in this respect ; and any failure in the observance of Sunday was therefore regarded as proof of a leaning to Romanism. Accordingly, 29 Charles II. cap. 7, was now passed, "For the better observation and keeping holy the Lord's Day, commonly called Sunday," and directing that all the laws in force concerning the observance thereof, and repairing to church thereon, be carefully put in execution ; "and that no tradesman, artificer, workman, labourer, or other person whatsoever, shall

1677.
29 Chas. II.
cap. 7.

Observance
of Sunday.

¹ *Ante*, pp. 248, 249, 253, and 259.

do or exercise any worldly labour, business, or work of their ordinary callings, upon the Lord's day, or any part thereof, works of charity and necessity only excepted." It is further ordered, with a view to discourage Sunday travelling, that if any person should be robbed when travelling on that day, the inhabitants of the hundred shall not be answerable for the robbery, any law to the contrary notwithstanding; but in order that robbers may not thereby be encouraged, the counties and hundreds, after notice to them given, are to make "fresh suit and pursuit after the offenders, with horsemen and footmen, according to the statute,¹ upon pain of forfeiting to the king as much as might have been recovered against the hundred by the party robbed, if this law had not been made."

1677.
William,
Prince of
Orange,
marries the
Princess
Mary.

The king's niece, the Princess Mary, was this year (1677) married to the Prince of Orange. This young prince (afterwards William the Third) was known to be a firm Protestant, and he had shown such high talents and admirable courage in resisting Louis the Fourteenth, that he was regarded as the chief bulwark of Europe against French and Romish aggression. Called early to occupy the first place in the government of his country, one-half of which was then overrun by the armies of France, he persuaded the States to reject the humiliating conditions sought to be imposed upon them, and to put an end to negotiations which only served to weaken their courage and give confidence to their assailant. He exhorted them to imitate their ancestors, who had preferred liberty to every other consideration, and had beaten back the disciplined armies of Spain. When asked by a timid or a treacherous counsellor, if he did not see that the commonwealth was ruined? he replied, "There is one certain means by which I can be sure never to see my country's ruin—I will die in the last ditch." The

¹ 27 Elizabeth, cap. 13.

alliance with the Prince of Orange was therefore hailed with the utmost satisfaction by the people of England, who saw in it a promise of security for their liberties and protection for their religion.

But the tortuous and vacillating conduct of the king, his subserviency to France, and the development of the so-called "Popish plot," shortly afterwards threw the nation into a state of excitement and panic, which, in the present day, it is difficult to comprehend. The parliament assembled in October, and under the influence of these alarms, passed 30 Charles II. cap. 1, "for more effectually preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament." This Act was evidently aimed against the Duke of York. Fears and jealousies were every day increasing. The king became alarmed, and dissolved the parliament, which had sat ever since his restoration, a period of more than seventeen years. A new parliament met early in the following year (1679), under circumstances of great disquiet. The Duke of York had retired to Brussels, and a Bill, excluding him from the succession, passed the Commons by a large majority; but it proceeded no farther, and not long afterwards the parliament was prorogued—not, however, without having previously passed the Habeas Corpus Act, for which this session is entitled to the gratitude of posterity.

The important statute of Habeas Corpus (31 Charles II. cap. 2) confirms and extends the protection against arbitrary imprisonment, established by the "Bill of Rights." It prohibits any English subject being sent to a prison in Scotland, or beyond sea, and provides that every prisoner who applies for a writ of "habeas corpus" shall, within three days, be brought into court, and have the cause of his imprisonment openly certified. It also provides that every prisoner shall be indicted the first term after his commitment, and

1678.
30 Chas. II.
cap. 1.

Papists
disabled
from sit-
ting in par-
liament.

1679.
31 Chas. II.
cap. 2.

The Habeas
Corpus Act.

he tried in the term following, and that, after acquittal, no one shall be tried again for the same offence. This statute could not fail of exercising an important influence on the character and condition of the people, no one being so high as not to feel his liberty secured by it, and none so low as to be beyond its protection. It was only further necessary that the seat of judgment should be freed from undue influence or control, which was subsequently attained by making the judges irremovable; after which, any man accused of transgressing the law, was secure of having a fair and a speedy trial.

Shortly after the passing of this Act, the parliament was dissolved in heat and ill-humour, and in the following October another parliament was assembled, but in no better disposition towards the Court; and this again was dissolved in the succeeding January.

1681.

A new parliament assembled at Oxford, but is again dissolved.

In the same year (1681) another new parliament was assembled, but it now met at Oxford, where it was expected it would be more conformable to the wishes of the Court. This expectation was not realised, however, and it was likewise dissolved after a brief sitting, thus making three new parliaments in little more than two years. But this was the last of the present reign, and henceforward Charles may be said to have aimed, like his father, at subverting the constitution, and governing absolutely without the intervention of parliament.

No doubt the heats and jealousies which disturbed the latter years of the present reign, were as much owing to religious as to political differences. The dread of popery lay at the root of much that took place, and Shaftesbury gave utterance to the feeling which almost universally prevailed, when he said that "popery and slavery, like two sisters, go hand in hand; and sometimes one goes first, and sometimes the other; but wheresoever the one enters the other is always following close behind." In the distractions of this unhappy

period, much that was wrong was done on both sides. There were many victims, and among others, the amiable and patriotic Lord Russell, who was sacrificed not to popular but to regal vengeance.

Charles having thus succeeded in rendering himself for a time nearly absolute, lived under the dread of a reaction, became gloomy and dejected, and his health visibly declined. On the 2nd of February 1685, he suffered an attack resembling apoplexy, and on the third day afterwards he expired, in the 55th year of his age. It would be beyond our province to attempt a description of the character of Charles the Second; but we must express regret at the state of degradation to which he had reduced the country, and lament the immoralities which disgraced his reign. He died a Roman Catholic, receiving the sacrament and absolution according to the rites of that Church, thus proving the suspicions entertained with regard to his religion well founded, and that his entire life had been a tissue of falsehood and deceit.

1685.
Death of
the king.

James the Second succeeded to the crown on the death of his brother, and forthwith issued a proclamation, directing the customs and other branches of revenue to be paid as theretofore, although this could not legally be done without the sanction of parliament, which was however summoned shortly afterwards; and its first Act was to settle on the king for life, the same revenues which had been granted to his predecessor. Its second Act was to attain the Duke of Monmouth (the natural son of the late king) of high treason, he having landed in Dorsetshire, assembled a considerable force, and laid claim to the crown. This ill-concerted attempt was, however, soon put down, and Monmouth himself with many of his misguided followers were executed.

James II.
1685-1688.

It will only be necessary to notice two of the Acts of the present reign. One is 1 James II. cap. 17, which provides for the continuance of certain "good and

1685.
1 James II.
cap. 17.

wholesome laws," and among these is the "Settlement Act,"¹ which is continued for seven years. The 3rd section, after reciting that "poor persons at their first coming to a parish do commonly conceal themselves," enacts that the forty days' continuance in a parish, intended to make a settlement, shall be computed from the delivery of notice in writing "of the house of his or her abode, and the number of his or her family, to one of the churchwardens or overseers of the poor." We thus see that the Law of Settlement had already begun to produce its natural fruits, and that further restrictions were found necessary for preventing the frauds to which it was calculated to give rise. The forty days of probation within which, under the original Act, a person might be removed, and which it appears had been evaded, are now made to commence from the date of the notice, which, on entering a parish, every person is required to give of his family and place of abode. This would, it was supposed, prove effective for preventing a fraudulent concealment of residence, and it must be confessed that the notice here required to be given seems well adapted for that purpose.

1685.
1 James II.
cap. 18.

Duty
imposed on
foreign-
built ships.

The other statute of this reign requiring notice, is 1 James II. cap. 18, entitled "An Act to encourage the building of Ships in England." It declares that "for some years past, and especially since the laying a duty upon coals brought into the river Thames," ship-building has greatly decayed, and that, owing to the freedom enjoyed by foreign ships and vessels bought and brought into this kingdom, equal to that of English-built ships, the merchants and others have not been able to build as formerly, "which hath caused many of our English shipwrights, caulkers, and seamen to seek employment abroad," whereby the building trade is decayed, and the importation of timber, iron, hemp, and other commodities used in building and

¹ 14 Charles II. cap. 12. *Ante*, p. 279.

fitting-out ships, is greatly lessened, to the loss of employment for shipping, and all trades dependent thereupon, and to the great advantage of foreign nations. It is therefore enacted that all foreign ships and vessels which shall hereafter be bought and brought into England, and employed in carrying goods or merchandise from port to port, shall pay five shillings a ton above the duties payable on goods and merchandise in English-built ships, one-half for the use of the chest at Chatham, the other half for the relief of wounded and decayed seamen, their widows and children. Foreign-built ships, already belonging to English owners, are, in like manner and for like purposes, to pay one shilling a ton extra. Whether shipbuilding had decayed, as asserted, cannot now be ascertained; but an extra duty of five shillings a ton on foreign-built ships would no doubt secure the coal and coasting trade to those of English build, although at the cost of the home consumers, who would have to pay for the commodities as much more proportionally as the freight in English ships exceeded what would be charged by foreigners or in foreign-built vessels. The consequence of an increase of charge is shown in the Act itself, which points to the "laying a duty upon coals brought into the Thames" as one cause of the decay in shipbuilding. In the above list of articles imported and used in building and fitting-out ships, iron is included. What a contrast does this present to what is seen at the present day, when England supplies nearly the whole world with iron.

In his address to the parliament, on its assembling in November, the king assumed a high and authoritative tone. He told them that the militia had been found of little use in the late rebellion, and that he had therefore raised a regular force, comprising certain officers not qualified for employment according to the existing law, but that he had dispensed with its pro-

Parliament
assembled.
The king's
address.

visions in their favour, and he demanded a supply for the maintenance of this new army. It was known that a preference had been shown for Roman Catholics in selecting the officers for this new force; and it was also known that commissions had been given to certain Roman Catholic noblemen to raise troops for opposing Monmouth. At this time, moreover, numbers of French Protestants were compelled, by the revocation of the Edict of Nantes, to seek refuge in England, and they everywhere made known the persecutions to which they had been subjected on account of their religion. The old abhorrence of popery and dread of tyranny was thus revived in full force, and the Commons voted an address, praying the king to dismiss all such officers as refused to take the test; and the Lords showed equal zeal in the cause. The address was very ill received by the king, who with much anger and vehemence refused to comply with its prayer. Shortly afterwards he prorogued the parliament, which never met again; and after four other prorogations it was dissolved, James apparently intending to govern in future without a parliament, as his father and his brother had each attempted to do.

1685.
Parliament
dissolved.

Conduct of
the king.

Having thus freed himself from the control of parliament, James proceeded unchecked in his career, continually outraging the religious feelings of the people by an open display of devotion to the Romish Church, whose machinations they feared, and whose doctrines they abhorred. The Court was filled with persons of that persuasion, both lay and clerical; "many new chapels were opened, a colony of Carmelite friars was established in the City, a body of Franciscans in Lincoln's-inn-fields, a community of Benedictine monks at St. James's, and the Jesuits opened a large school in the Savoy."¹ The pope's nuncio was openly

¹ See Lingard's *History of England*, vol. viii. pp. 379 and 411. Lingard was himself a Roman Catholic.

received, and Father Petre, a Jesuit and the king's confessor, was raised to the dignity of a privy councillor, and by the king's command took his seat accordingly; whilst in Ireland, Tyrconnel, the lord deputy, took all opportunities of dismissing Protestants, civil as well as military, and filling their places with Romanists.

These proceedings excited great alarm throughout the country, and most people now turned their eyes towards the Prince of Orange, the king's nephew and son-in-law, and who in right of his wife had heretofore stood next in succession to the crown. But this was now no longer the case, for after the death of his first wife, the daughter of Clarendon, the king had married Mary of Modena, who had just given birth to a son; so that there could be no hope of a Protestant successor, and the most gloomy apprehensions prevailed. In the Prince of Orange seemed to lie the only chance of safety. In him alone the nation could confide for defending its liberties and protecting its religion; and all parties, Whig and Tory, Churchman and Dissenter, united in inviting him over. The prince responded to the call, and after various delays and impediments, which it required all his genius and resolution to overcome, he landed in Torbay with a considerable force on the 5th of November 1688, and published a declaration setting forth the object of his coming.

1688.
William
Prince of
Orange
lands at
Torbay.

Before quitting Holland, the prince had taken leave of the States in a solemn public audience. He thanked them for their kindness to him from his childhood, and assured them of his gratitude. The confidence they then placed in him was, he said, unbounded; and he prayed that God might blast all his prospects, if he did not make them a suitable return. He was departing on a foreign expedition, not to dispossess others of their rights, but to establish their religion on a permanent basis. He recommended the princess to their protection; and of this he prayed them to be

His taking
leave of the
States.

assured, that if he fell, he should fall their servant; and if he lived, he would live their friend. He was answered on behalf of the States by the Pensionary Fagel, who said, that such confidence did they repose in the prince's wisdom and patriotism, that they had unreservedly placed their army, their navy, and their treasure in his hands. They had ordered a solemn fast to be observed through the seven provinces for the success of his arms; and they earnestly prayed that God would render him the deliverer and protector of the Protestant faith. One thing only they begged of him in return, that he would not unnecessarily expose his person. The loss of him would be to them a greater calamity than the loss of both army and navy.¹

This scene is said to have made a deep impression on all who were present; and I notice it here, although it may not strictly come within the limits of our present subject, in order to show the high estimation in which William of Orange was held in his own country, of which he had been the protector, before he came as a deliverer to England. I have done so likewise, for the purpose of marking the contrast between the simple and elevated sentiments of William and his compatriots, and the low and degrading influences that prevailed in the Court and spread through the country during the reign of the Stuarts. It was indeed full time that higher motives, juster views, and a purer morality should be implanted, to save the nation from becoming utterly corrupt; and in this respect William may also be said to have been a deliverer.

On the prince's landing, the king became alarmed, and retracted such of his measures as had given most offence; but it was then too late. The number of persons who at first joined the prince was less than he

¹ Lingard's *History of England*, vol. viii. p. 471.

had been led to expect, but he nevertheless continued to advance, and was every day joined by increasing numbers of all classes. The king's cause was soon seen to be desperate, and he endeavoured to quit the country, but was apprehended at Faversham and brought back. After a time however, and to the relief of all parties, he again escaped and crossed to France—thus showing himself as feeble in maintaining his authority as he had been confident in exalting it; and affording a memorable example of the instability of sovereign power, when unsupported by the confidence of the people.

James
escapes to
France.

William entered London on the 18th of December, and was received with universal acclamations. On the 21st he summoned the peers to deliberate on the state of the country, and advise him as to what should be done; and shortly afterwards he invited all who had sat in the House of Commons during the reign of Charles the Second, together with the aldermen of London, and a deputation of the common council, to attend him for the like purpose. It was determined that a convention of the states of the realm should be summoned, and that in the interim the prince should take upon himself to administer the government. This was no light task, but William set about it with his wonted vigour and singleness of purpose. All magistrates were continued in office. The revenue was ordered to be collected, a loan of £200,000 was obtained from the City, and in a few days everything wore its usual aspect, and a sense of security everywhere prevailed.

1688.
William
enters
London.

On the 22nd of January 1689, the Convention assembled, consisting of about ninety Protestant peers, lay and clerical; all the commoners who had sat in any parliament of Charles the Second (about 150); and the lord mayor, the aldermen, and fifty common councillors of London. The Convention resolved that

1689.
Convention
parliament
assembled.

The crown
settled on
William
and Mary.

James, by withdrawing himself from the kingdom, had abdicated the government, and that the throne was thereby become vacant ; and a Bill was passed settling the crown upon the prince and princess of Orange, and afterwards on the princess Anne. A similar convocation had been assembled in Scotland with a similar result. In both cases the prince abstained from interfering with the deliberations, and declared his readiness to abide by the sense of the country, whatever it might be.

The Bill
of Rights
passed.

This great revolution, which has ever since been regarded as the final settlement of the English constitution, was thus effected without bloodshed, and with the smallest possible amount of violence and disorder. Down to that period, the three elements combined in it, instead of working harmoniously within their respective orbits, had often been placed in a state of antagonism, the aristocratic element at one time predominating, the kingly at another, and then the democratic. The conflicts between these several powers appeared to have terminated at the restoration of Charles the Second, when the constitutional limits of each were openly recognised ; but the want of principle in Charles, and the bigotry of the late king, together with the exalted notions of sovereign authority inherited by both, led them each to aim at rendering themselves independent of their two co-ordinates, and substituting an absolute for a constitutional government. The result of these attempts has just been seen ; and with respect to the future, a declaration of rights, framed by the Convention as an accompaniment to the Act settling the crown, defined the rights of the people, the privileges of parliament, and the limits of the royal authority, with such precision as thenceforward left no room for doubt or difference.

It may possibly be thought that these events have been dwelt upon at greater length than was necessary

with reference to our immediate subject ; but the revolution which placed William of Orange on the throne of England, constituted a grand epoch in the history of the English people, and exercised so important an influence on their social condition, that it could hardly have been more briefly noticed.

CHAPTER VIII

A.D. 1688-1702

William and Mary—Convention Parliament—Repeal of the hearth-tax—Exportation of corn—Irish war—Tithe of hemp and flax—Revision of the law of settlement—Population and poor-rates—Progress of the Poor Law—Increase of the poor-rates—Increase of wealth—Rate of wages—Highway robberies—Button manufacture—Shipbuilding—Triennial Act—Death of Queen Mary—New coinage—Greenwich Hospital established—Growth of hemp and flax—Bank of England—East India Company—Amendment of settlement law—Manufacture of lustrings—Peace of Ryswick—Exportation of corn prohibited—The “seven barren years”—Inland navigation—Fraudulent removals—Settlement of the Crown—Death and character of William—Progress of the Poor Law—Mr. Locke’s report on the poor—Bristol workhouse—Amount of poor-rates—Population in 1701—Rate of wages—Mr. Gregory King’s scheme—Summary of events in William’s reign.

1689.
1 William
and Mary,
cap. 1.

THE first Act of the Convention Parliament (1 William and Mary, cap. 1),¹ was passed “For preventing all Doubts and Scruples which may arise concerning the Meeting, Sitting, and Proceeding of this present Parliament.” It enacts that the Lords Spiritual and Temporal, and Commons, there sitting on the 13th of February, are the two Houses of Parliament, and so shall be adjudged, notwithstanding any want of writs of summons, or other defect of form: “and that this, and all other Acts, shall be taken and adjudged in law to begin and commence upon the said 13th of February, on which day their Majesties, at the request and by the advice

¹ The Convention Parliament assembled on the 22nd January 1689, but in the *Statutes of the Realm* all the Acts are headed as being passed in 1688, the year then ending in March, as it continued to do until the reformation of the style in 1751.

of the lords and commons, did accept the crown and royal dignity of king and queen of England."

The collection of the tax imposed by 14 Charles II. cap. 10, of 2s. annually for every fire-hearth and stove, commonly called "hearth-money," was much complained of, and in proof of the new government's readiness to attend to the people's wishes, the tax was abolished by 1 William and Mary, cap. 10, which declares, "that the said tax cannot be so regulated but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort but a badge of slavery upon the whole people, exposing every man's house to be entered into and searched at pleasure by persons unknown to him."

1689.
1 William
and Mary,
cap. 10.

The 1 William and Mary, cap. 12, is entitled "An Act for encouraging the Exportation of Corn." It declares that the exportation of corn, when the price is low in this kingdom, "hath been found by experience a great advantage, not only to the owners of land, but to the trade of this kingdom in general"; and it then enacts, that when the prices of grain shall not severally exceed—

1689.
1 William
and Mary,
cap. 12.

Bounty on
the export-
ation of
corn.

| | A quarter. |
|------------------------------|------------|
| For malt or barley | 24s. |
| „ rye | 32s. |
| „ wheat | 48s. |

—every merchant or other person exporting the same on board an English ship, whereof the master and two-thirds of the crew are British subjects, shall be entitled to a bounty of 2s. 6d. a quarter on barley or malt, 3s. 6d. a quarter on rye, and 5s. a quarter on wheat, whether ground or unground. These bounties were intended to encourage an exportation, which in the natural course of things would not have taken place; and if large stocks of grain were at that time accumulated, such a stimulated exportation might afford a certain relief to the corn-grower: but this relief would be obtained at the cost of the rest of the community,

and might be followed by proportionally higher prices whenever a deficient harvest occurred. The price at and under which the exportation of wheat would now be entitled to a bounty of 5s. a quarter, is the same as was fixed in 1663,¹ for allowing it to be exported, subject then, however, to an export duty of 12s. a quarter. In 1670 exportation was permitted without restriction on payment of the above duty,² but the duty on importation depended upon an assumed medium price of 53s. 4d. In that year the price of wheat in Windsor market, according to the Eton tables, was 37s. 0½d. a quarter, statute measure; and the average price for the whole of the seventeenth century is stated by Mr. Tooke, on the authority of Arthur Young, to have been 38s. 2d. a quarter.³

James,
with a
French
force, lands
in Ireland.

England and Scotland were now in quiet subjection to William's government, but in Ireland the Roman Catholics, headed by Tyrconnel, declared for James, who with a French force joined his Irish adherents. Parliament was not unmindful of what was passing in that country, and by 1 William and Mary, cap. 13, granted a poll-tax of 10s. on every £100 of income, towards reducing Ireland to subjection, declaring at the same time, that they were highly sensible of the deplorable condition of the king's protestant subjects there, occasioned by the rebellion of the Earl of Tyrconnel and his adherents. War was also, on an address from the Commons, declared against France.

1689.
1 William
and Mary,
cap. 13.

A poll-tax.

1690.
A new
parliament
assembled.

1690.
Battle of
the Boyne,
and sur-
render of
Limerick.

In March 1690 a new parliament is assembled, to whom William declared his intention of proceeding to Ireland. He had already sent thither a considerable force, and on the 14th of June he landed at Belfast, and was speedily joined by volunteers from all parts of the country. James retired southwards behind the Boyne, which William crossed on the 1st of July, and

¹ *Ante*, p. 292.

² *Ante*, p. 293.

³ See Tooke's *History of Prices*, vol. i. p. 55.

defeated his opponents, heading the attack himself. James quitted the field shortly after the action commenced, and fled first to Dublin, and then to France. But it was not until October in the following year that the Irish war was brought to a close, by the surrender of Limerick.

The 3 William and Mary, cap. 3, entitled "An Act for the better ascertaining the Tithes of Hemp and Flax," is deserving of notice, as showing the view taken by parliament of the value of these crops, especially in affording employment. The Act commences by reciting, that "the sowing of hemp and flax is exceeding beneficial to England, by reason of the multitude of people that are and would be employed in the manufacturing of those two materials, and therefore do justly deserve great encouragement." And "whereas the manner of tithing hemp and flax is exceeding difficult, creating thereby grievous chargeable and vexatious suits between parsons, vicars, impropiators, and their parishioners"—It is enacted, that four shillings per acre shall in future be paid for tithe of flax or hemp, the same to be recoverable as other tithes in case of non-payment by the grower. We may remark that this declaration of the importance of growing hemp and flax is in accordance with the views of the best informed agriculturists of the present day.

It again became necessary to revise the law of settlement, and important additions were made to it by 3 William and Mary, cap. 11, which declares that 14 Charles II. cap. 12, and 1 James II. cap. 17,¹ "have been found by experience to be good and wholesome laws," and they are accordingly continued. "But forasmuch as the said Acts are somewhat defective and doubtful, for supplying and explaining the same," it is now enacted, "That the forty days' continuance in a parish intended by the

1691.
3 William
and Mary,
cap. 3.
For en-
couraging
the growth
of hemp
and flax.

1691.
3 William
and Mary,
cap. 11.
On settle-
ment.

¹ *Ante*, pp. 279 and 312.

said Acts to make a settlement, shall be accounted from the publication of a notice in writing, which the person shall deliver of his or her abode, etc., to the churchwarden or overseer of the poor, which notice the churchwarden or overseer is required to read or cause to be read publicly on the next Lord's day, immediately after divine service, in the church or chapel of the said parish. And the said notice is to be registered in the book kept for the poor's accounts." The mere delivery of a written notice to a churchwarden or overseer, as before directed, was, it appears, found insufficient, and the notice is now therefore required to be read publicly in church, so that all the parishioners may be made aware of the new-comer, and perhaps have also a voice in ejecting him, if their officers should be remiss or over indulgent. Should the churchwarden or the overseer neglect to read the notice, or to register the same, as directed, he is in every such case made liable to a penalty of 40s., leviable by distress.

Settlement
acquired by
holding
office, or
paying
rates, or
serving for
a year, or
being ap-
prenticed.

This Act further provides, that a person who serves any public annual office in a parish during one whole year, or who pays his share towards the public taxes or levies of the parish, shall be deemed to have a legal settlement therein. And also, that if any unmarried person be lawfully hired in any parish for one year, such service shall be deemed a good settlement therein. And likewise, that if a person shall be bound an apprentice and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement. These were all important extensions of the settlement law, or rather of the conditions on which settlement is based. But the serving an office, hiring for a year, binding and habitation as an apprentice, are all matters liable to question, and to become subjects of litigation, as in fact we know them largely to have been.

Some embarrassment had apparently been caused

by parish officers refusing to receive persons removed by order of justices under 14 Charles II. cap. 12,¹ that Act only providing in such case that the officers might be indicted. By the 9th section of the present Act a more summary mode of punishment is established; and if any churchwarden or overseer shall thereafter refuse to receive any person so removed, they are to forfeit five pounds to the use of the poor of the parish from which the person was removed, "to be levied by distress and sale of the offender's goods, under warrant of any justice of the peace of the county, riding, city, or town to which such person was removed."²

The Act then proceeds (section 11), "And whereas many inconveniences do daily arise in cities, towns, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently upon frivolous pretences (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection (or relief) oftentimes ceases, by which means the rates of the poor are daily increased, contrary to the true intent of the statute of Elizabeth"—for remedying of which, and preventing like abuses in future, it is enacted, that a book or books

Persons
relieved to
be regis-
tered and
examined
by the
vestry.

¹ *Ante*, p. 279.

² The Hon. Roger North, in his Discourse written about this time, when the effects of the law had already become apparent, says: "The poor are imprisoned in their towns, and chained down to their wants, so that they are deprived of means to mend their condition, if their own wits or their friends should suggest any, by removing to places more proper for them either for sort of work or of friends to employ them. But if any chance to move for an experiment, they are then sent back, and tossed from pillar to post in carts, till they return to their old settled misery again. No town willingly receives a poor man, though they want poor people to do the ordinary works of husbandry, because they say his family may become a charge to the parish." See also *ante*, p. 286.

Register to
be exam-
ined by
the vestry
at Easter.

should be kept in every parish, wherein the names of all persons who receive collection are to be registered, with the date when they were first admitted to have relief, and the occasion which brought them under that necessity. And yearly in Easter week, or oftener if necessary, the parishioners are to meet in their vestry, or other usual place, before whom the said book is to be produced; and all persons receiving collection are to be then called over, and the reasons of their taking relief examined, and a new list made and entered of such persons as shall be thought fit to receive collection; and no other person is to be "allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of the peace residing within such parish; or if none be there dwelling, in the parts near or next adjoining, or by order of the justices in their respective quarter-sessions, except in cases of pestilential disease, plague, or small-pox, for and in respect of such families only as are or shall be therewith infected.

Parish-
ioners may
give evi-
dence in
suits insti-
tuted by
the parish.

The 12th section of the Act records another instance of maladministration. It recites, that "many churchwardens and overseers of the poor, and other persons interested to receive collections for the poor, and other public moneys relating to the churches and parishes whereunto they belong, do often misspend the said moneys, and take the same to their own use, to the great prejudice of such parishes, and the poor and other inhabitants thereof." It further states, that when actions were brought against such churchwardens and overseers to recover the moneys so misapplied, the judges sometimes refused to admit the parishioners as witnesses, although they were "the only persons that could make proof thereof"; and it is now therefore enacted, that any parishioners, except such as receive alms, pensions, or gifts out of the collections, shall be admitted to give evidence in all such cases.

We thus see that, at the end of ninety years from 43 Elizabeth, serious abuses prevailed, as well in the collection as in the application of the poor-rates. The churchwardens and overseers are here first complained of, for misappropriating the funds with which they were intrusted. The instances of such misappropriation may possibly not have been very numerous or very flagrant ; but in some shape, and to some extent, they would doubtless have occurred, being more or less incidental to all parochial government. The degree and extent would depend much upon circumstances, and upon the prevailing character of the period. Where corruption is rampant in high places, a low state of morality may be looked for in the rest of the community. This was the case in England during the reigns of the Stuarts ; and it is not therefore improbable, even at that early stage of the Poor Law, that the abuses above complained of may have largely prevailed. The legislature sought to devise a remedy by interposing the authority of the parishioners in vestry, which would, no doubt, prove beneficial by securing publicity ; but there would still be party feuds, and occasional partialities and favouritism ; and so long as the poor-rates continued exclusively under parochial management, without other control or effective supervision, abuses would be sure more or less to prevail.

The amount of the poor-rates in England and Wales ^{1691.} at this time (1691) has been variously estimated, but ^{Amount of} there is no account that can be relied upon. In 1677, Andrew Yarranton (as quoted by Sir F. Eden),¹ in a work entitled *England's Improvements by Sea and Land*, estimates them at upwards of £700,000 ; and in a table prepared by Mr. Gregory King, on data said to be collected with great labour and expense by Mr. Arthur Moore, "a very knowing person," also quoted

¹ See Sir F. Eden's *State of the Poor*, vol. i. pp. 198 and 230 ; also M'Culloch's *Statistical Account of the British Empire*, vol. i. p. 398.

by Sir F. Eden, the poor-rates for England and Wales, in the latter end of Charles the Second's reign (say between the years 1680 and 1685), are estimated at £665,362. We may therefore, perhaps, venture to set them down as amounting in 1691 to nearly £700,000. Mr. Gregory King's table contains an estimate of the population by Davenant, founded upon the number of houses on the hearth-tax books, in each county, at Lady-day 1690, which are 1,319,215. Davenant allows six persons to a house, and makes the population amount to 7,915,290; but this is evidently an exaggeration. Mr. Gregory King takes the same data of the hearth-tax books, and, after making certain allowances and corrections, he assumes that in 1696 there were 1,300,000 inhabited houses in England and Wales, and, reckoning 4·17 persons to a house, and allowing 77,440 for soldiers, sailors, and vagrants, he estimates the entire population in 1696 at five millions and a half, or the same as we took it to be at the Restoration in 1660.¹ But if Mr. King had allowed $4\frac{1}{2}$ persons to a house, as he might probably have been warranted in doing, it would have given a quarter of a million more. On the whole, it may perhaps be assumed that at the Revolution in 1688, the population of England and Wales was somewhat over five millions and a half, and that the poor-rates amounted to rather more than two shillings and sixpence per head on the population.

1688.
Popula-
tion.

This charge of the poor-rate was deemed oppressive, was much complained of at the time, and many pamphlets were written, and many schemes propounded and suggestions made, with a view to lessening the burthen. All these schemes united in recommending that employment of some kind, either in workhouses specially adapted for the purpose, or in some other way, should be found for poor persons who were willing

¹ *Ante*, p. 265.

to work, and that those who were not willing should be compelled to labour. In all, it was moreover assumed, that such employment would be remunerative; and there seems to have been no apprehension of its interfering in any way with the independent labourer, or that it would derange the natural operation of supply and demand in the labour market.

But not only was the poor-rate felt to be oppressive, —it was, at the same time, seen to be rapidly increasing, which gave rise to serious alarms for the future. Thus, in a pamphlet entitled “Bread for the Poor,” printed at Exeter in 1698, quoted by Mr. Ruggles, and attributed to Mr. Dunning, it is stated that the charge of maintaining the poor in some parishes in Devonshire had, within sixty years, “advanced from 40s. to £40 a year; in others twice that sum, and mostwheres double within twenty years, and like to double again in a short time”;¹ and the poor’s-rate of the entire county, estimated at £38,991, is declared to be £30,000 more than it was fifty or sixty years before. The writer then assumes that the poor-rate in Devonshire is in the proportion of 1 to 21 with the rest of the kingdom, and the entire amount in 1650 is, on this data, set down at £188,291, and in 1698 at £819,000. This certainly does appear a formidable increase in half a century, and if such a rate of increase were to continue, it would warrant the apprehensions which at that time seem to have been felt. But in 1650 Elizabeth’s law was not yet in full operation, although each succeeding year it was becoming more and more so; and thus the charge under it would go on increasing in amount until the law was universally acted upon.² The continually

Alarms at the continual increase of the poor-rates.

¹ Ruggles’s *History of the Poor*, pp. 91 and 93.

² Compare the gradual rise in amount of relief in Scotland after the passing of the Poor Law Amendment Act, 1845. See *History of Scotch Poor Law*, p. 263, etc.

progressive increase of the poor-rates in the first century after the passing of 43 Elizabeth, presented therefore, if rightly considered, no grounds for alarm. Such an increase ought to have been looked for, as the natural consequence of establishing an organised system of relief, where none had existed before; and its ratio would necessarily lessen, as the object for which the relief had been established was fulfilled. At the same time, however, there is doubtless in Poor Law relief a strong tendency to increase, and careful supervision is necessary to keep it within its due bounds, without which it might become a positive evil. This tendency to increase, and the danger thence arising, must have been perceived in 1690, and will account for the alarm which then prevailed on the subject, as well as at certain subsequent periods.

1688.
Increase of
wealth.

The increase of Poor Law relief is not, taken singly, a proof of increasing poverty in the great mass of the people, neither does it indicate a diminution in the general wealth of the country. It may, indeed, be viewed as indicating the reverse: for where wealth most abounds, there will relief be most abundant—want ever dogging wealth at the heels. Hume, quoting from Sir Josiah Child, says “that in 1688, there were on the 'Change more men worth £10,000 than there were in 1650 worth £1000; and that £500 with a daughter was, in the latter period, deemed a larger portion than £2000 in the former; and that besides the great increase of rich clothes, plate, jewels, and household furniture, coaches had augmented a hundred-fold.”¹ A Board of Trade was established; our colonies in America were greatly strengthened and extended; English shipping rapidly increased; new manufactures in iron, brass, silk, etc., were formed. The art of dyeing woollen cloth, and of manufacturing glass and

¹ Hume's *History of England*, vol. viii. p. 327, 8vo edition of 1782.

crystal, were introduced from Flanders and from Venice. On all sides, in short, unmistakable evidences of growing wealth and improvement were at this time apparent, coincident with an increasing charge for the relief of the poor—which, although not a source of wealth, may be taken as indicative of its existence, and as calculated to promote its security, by preventing the occurrence or mitigating the pressure of extreme want in individual cases.

The war with France,¹ declared in 1690, on its espousing the cause of James II., no doubt caused a drain of men, as well as a drain of money; but although exhaustive in these respects at the time, neither this war nor the war of the following reign, were probably in the end material checks to population, or to the increase of wealth; for by defeating the ambitious designs of Louis the Fourteenth, England acquired greater influence throughout Europe, and the people were stimulated to greater activity and enterprise in every department of industry and social improvement.

We learn from contemporary writers that robberies on the highway were now of frequent occurrence, and 4 William and Mary, cap. 8, was passed expressly “for encouraging the apprehending of highwaymen.” The highways and roads are declared to be of late more infested with thieves and robbers than formerly, for want of due and sufficient means being used for the discovery and apprehension of the offenders; “whereby so many murders and robberies have been committed, that it is become dangerous in many parts for travellers to pass on their lawful occasions.” For remedy of this state of things, it is enacted, that a gratuity of £40 shall be given for the apprehension and conviction of every such offender, and in case any person should be killed in endeavouring to apprehend a robber, his heirs

1692.
4 William
and Mary,
cap. 8.

Against
highway
robberies.

¹ *Ante*, p. 322.

or executors are to be entitled to the reward ; and as a further inducement “to take, apprehend, prosecute, and convict such robber,” his horse, arms, money, and other goods taken with him, are given to the person who apprehends him ; and it is further enacted, that any robber, being at large, who shall discover and convict two other robbers, is to be entitled to a pardon for his former offences. The evil must have been great to warrant the application of such remedies, which lowered the dignity and moral purity of justice, by thus bringing it into a kind of copartnery with crime.

1692.
4 William
and Mary,
cap. 10.

Prohibits
the import-
ation of
buttons.

The 4 William and Mary, cap. 10, after reciting that, by 14 Charles II.¹ foreign buttons made of thread or silk are prohibited to be imported or sold in England, goes on to state, that, because buttons made of hair are not expressly mentioned in the said Act, many persons, taking advantage of the said omission, “do daily import such great quantities of hair buttons, that the button-trade of England is very much decayed, and many thousands of poor people that were formerly kept at work in the said trade are likely to perish for want of employment.” The importation of hair buttons is now therefore distinctly prohibited. We gather from this, that a change in fashion had taken place, buttons of thread and silk being superseded by those made of hair. These were also after a time supplanted by metal buttons, which in their turn again gave place to those made of silk. This last change caused much greater derangement than the preceding, the machinery used in making metal buttons being unsuited to any other material, and the skilled worker in metals being thereby unfitted for the manipulation of softer substances. These changes must always occasion inconvenience, as well as a certain amount of privation and suffering to the people employed ; but industry

¹ *Ante*, p. 279.

and intelligence will speedily adjust the one, and find a remedy for the other.

In furtherance of what was done in the late reigns,¹ another Act was now passed (5 & 6 William and Mary, cap. 24) "For building good and defensible Ships." It enacts, that all persons who shall, within ten years after the 1st of May 1694, build or cause to be built any ships or vessels of not less than 450 tons burthen, having three decks, reckoning the orlop for one, and six feet between each deck, with a forecastle, quarter-deck, and round-house, and not less than ten ports of a side, mounted with two-and-thirty pieces of ordnance, eighteen on the lower decks of thirty hundredweight each at least, and those on the upper deck of two-and-twenty hundredweight each at least, with other ammunition proportionably, shall, for the first three voyages of every such ship, receive to their own use and benefit one-tenth of the customs duties that would be payable upon the goods exported and imported on the said ships. But it is also provided, that if, after the said first three voyages, any of such ships shall be altered, whereby they shall be made less defensible, then every ship so altered, with the guns, tackle, ammunition, and apparel thereof, shall be forfeited, one-half to the crown, the other half to the informer. The object of this Act is to encourage the building a larger description of vessels, with a heavier armament, than what is specified in the Act of Charles the Second;² and it probably led to the building of many "good and defensible ships"; but vessels built and equipped as this Act requires, are adapted for long voyages and distant traffic, and for encountering the casualties of war, rather than for the purposes of general commerce.

Public attention had been of late much directed to the state of our shipping, in consequence of the generally unsatisfactory results of our naval operations; for

¹ *Ante*, pp. 298 and 312.

² *Ante*, p. 298.

1694.
5 & 6 Will.
and Mary,
cap. 24.

Encourage-
ment for
building
good defen-
sible ships.

although the fleets of England and Holland were at this time acting in concert, they were unable to effect anything of importance against the naval power of France, with the exception of the battle of La Hogue in 1691, when the French, being outnumbered in the proportion of three to two by the combined fleet under Admiral Russell, were defeated with considerable loss of ships and men, but without loss of honour, which indeed was rather thought to be on the side of the victors.

1694.
6 & 7 Will.
and Mary,
cap. 2.
Triennial
Act.

The 6 & 7 William and Mary, cap. 2, recites, "that by the ancient laws and statutes frequent parliaments ought to be held, and that frequent new parliaments tend very much to the happy union and good agreement of the king and people"; and it enacts that a new parliament shall be called every third year, whence it has usually been called the Triennial Act. This important statute received the royal assent on the 22nd of December 1694; and six days afterwards, Queen Mary died of virulent smallpox, to the infinite grief of her husband, and deeply lamented by the nation.

1694.
Death of
Queen
Mary.

William
III.

On the death of the queen, a great accession of care and anxiety fell upon the king, whom many persons, forgetful of the benefits he had conferred on the nation, decried as being, after the death of his wife, no longer entitled to wear the crown. He stood almost alone, a beacon amid the gloom, surrounded by treachery and corruption. Most of the public men of the day kept up a secret intercourse with the exiled family, and revealed the king's plans and designs to the enemy. Fraud and dishonesty prevailed to an extent which it required all William's vigilance, patience, and judgment to counteract, and which only his high principle and indomitable courage enabled him to control. The nation, however, was not insensible to his merits, and the parliament responded to his demand of supplies, for enabling him to oppose French aggression and maintain the liberties of Europe, of which he

was now as emphatically the defender as he had been of the liberties of England at the period of the Revolution.

A new parliament was assembled in 1695, shortly after William's return from a successful campaign in Flanders; and this, his first parliament since he reigned alone, immediately passed "An Act for remedying the ill state of the Coin of the Kingdom." This, at all times a measure attended with much cost and difficulty, was now more especially difficult on account of the war, which brought a heavy expenditure upon the country, and interrupted the ordinary operations of trade. The Act (7 & 8 William III. cap. 1) ^{1695.} ^{7 & 8 Will.} ^{III. cap. 1.} begins by reciting, that "a great part of the silver coin of the realm appears to be exceedingly diminished by persons who have practised the wicked and pernicious crime of clipping, until at length the course of the moneys within this kingdom is become difficult and very much perplexed, to the unspeakable wrong and prejudice of his Majesty and his good subjects in their affairs, as well public as particular; and no sufficient remedy can be applied to the manifold evils arising therefrom, without recoinage." ^{For a new} ^{coinage.} It was then determined to proceed with all possible expedition to a new coinage, strictly adhering to the established standard; and parliament provided £1,200,000 by a duty on windows, to cover whatever loss might ensue. Mints were accordingly erected in York, Bristol, Exeter, and Chester, for the purposes of the recoinage, which perfectly succeeded; and in less than a twelvemonth the currency of England, which had been the worst in Europe, is said to have become the best.¹

¹ It was found that a hundred pounds in silver, which should have weighed about 400 ounces, did actually weigh at Bristol 240 ounces, at Cambridge 203, at Exeter 180, and at Oxford 116 ounces. It was a mere chance whether what was called a shilling, was really 10d., or 6d., or a groat.—Macaulay's *History of England*, vol. iv. p. 624.

1695-96.
7 & 8 Will.
III. cap. 21.

Greenwich
Hospital
estab-
lished.

The 7 & 8 William III. cap. 21, entitled "An Act for the Increase and Encouragement of Seamen," possesses peculiar interest, as by it that great national institution, *Greenwich Hospital*, was established. The Act recites, that "the seamen of this kingdom have, for a long time, distinguished themselves throughout the world by their industry and skilfulness in their employment, and by their courage and constancy manifested in engagements for the defence and honour of their native country." And for their encouragement, and to induce greater numbers to betake themselves to the sea, it is declared fit and reasonable that some provision should be made for those who, by age, wounds, or other accidents, become disabled, and also for the widows and children of such as shall be killed or drowned in the sea-service. The king and the late queen, it is stated, had by their letters-patent, granted the palace and grounds at Greenwich, as an hospital for such purpose; and commissioners with suitable powers were now appointed, and a sum payable annually out of the treasury is assigned, together with a payment of 6d. per month out of the wages of every seamen, both in the merchant service and in the navy, "for the better support, carrying on, perfecting, and maintaining the said hospital." It is then enacted that all mariners, fishermen, lightermen, and seafaring persons generally, above eighteen and under fifty years of age, may register themselves for service in the royal navy; and every man so registered is to be allowed, whether in actual service or not, a bounty of forty shillings annually over and above such other pay as he may be entitled to in his Majesty's service. And every registered seafaring man, being disabled, and producing a certificate thereof from the captain, master, surgeon, and purser of his ship, is to be admitted into the said hospital, and there provided, during his life, with con-

venient lodging, meat, drink, clothing, and other necessities. The widows and the children of seamen who are killed or drowned in the sea-service, and who shall not be able to maintain themselves, are also to be received into the said hospital, where the children are to be educated, and kept until they are fit to be put out, or able to maintain themselves. "All which shall be done so far as the said hospital shall be capable to receive such disabled seamen, and such widows and children, and as the revenues thereof shall extend for the purposes aforesaid."

By the people, and especially by the seafaring portion of them, the establishment of Greenwich Hospital was regarded as a great boon. It showed them that they were cared for. It excited their gratitude. It kindled emulation and a love of country, and it became a link between them and the government, and has so continued to the present day. The system of registry was not of long duration, but *Greenwich Hospital* continues to fulfil the important ends for which it was instituted, and still stands in more than pristine dignity, with its river flowing in front, its wooded heights rising behind, and the Royal Observatory cutting the sky in the background. These are all objects of interest and beauty, watched for, admired, and pondered over by the crews of every vessel arriving or departing from the port of London, and of every craft passing or repassing on the Thames. Foreigners view the structure with admiration, natives with pride. The aged seamen point to it as a haven of rest, and with the young it is an incentive to a sailor's adventurous life. To the wise benevolence and patriotism of William and Mary the country is indebted for this institution, which was planned and executed amid the turmoil of war, and at a period of great difficulty and anxiety, both foreign and domestic. A nobler monument could not have been raised to their memory.

1695-96.
7 & 8 Will.
III. cap. 39.

For encour-
aging the
growth of
hemp and
flax.

By 7 & 8 William III. cap. 39, it is declared, that, "great sums of money and bullion are yearly exported out of this kingdom for the purchase of hemp, flax, and linen, which might in great measure be prevented by being supplied from Ireland, if such proper encouragement were given as might invite foreign Protestants into that kingdom to settle"; and it is then enacted, that any native of England or Ireland may import into England directly from Ireland any sorts of hemp or flax, and all the productions thereof, "free from all manner of customs duties whatsoever." And it is also enacted, as a further encouragement, that English-made sailcloth may be exported free from duty, whether in the bolt or in sails ready made. The inducement here held out to "foreign Protestants" to settle in Ireland, with a view to increasing the growth and manufacture of flax and hemp, is evidently intended for Englishmen, to whom, with the Irish themselves, the privilege of importing the products into England free from duty is alone given. This Act is framed on the true commercial principle of affording encouragement by reducing the charges; and, like 3 William and Mary, cap. 3,¹ it rightly estimates the importance of growing and manufacturing hemp and flax ourselves, instead of obtaining it from abroad in exchange for "great sums of money and bullion"; but it goes beyond the previous Act, by extending to Ireland the encouragement given in furtherance of these objects.

In 1693 the scheme of a national bank, similar to those of Genoa and Amsterdam, was much discussed, and a subscription was raised for carrying it into effect. The government viewed the plan with favour, as a means of supporting public credit, and giving increased facilities to trade. In the following year the governor and company of the bank were incorporated by charter,

¹ *Ante*, p. 323.

having a capital of £1,200,000, which was lent to government, and on the security of which the bank was empowered to issue its notes.¹ In 1696 the bank became involved in difficulties, and its notes were at a considerable discount; but by 8 & 9 William III. cap. 20, a new subscription was authorised, and certain additional powers were given to the corporation; among others, that, during the continuance of the Bank of England, "no other bank shall be erected, established, permitted, suffered, countenanced, or allowed by Act of Parliament within this Kingdom." Thenceforward the bank continued to increase in usefulness and importance, with the increasing wealth and importance of the country.²

1696-97.
8 & 9 Will.
III. cap. 20.
The Bank
of England.

In 1693 likewise, another great incorporation, that of the East India Company, received a renewal of its charter for twenty-one years, on the condition of its annually exporting British produce and manufactures to the amount of £100,000 at least; and its capital stock was increased from £750,000 to £1,500,000. The company was originally incorporated by Elizabeth in 1600, its capital then amounting to no more than £30,000; but it had gone on increasing, first as a purely trading association, and then by the acquisition of territory and combining sovereignty with commerce, until, through the force of circumstances, it rose to be a substantive power in the East, and at home an important element of national aggrandisement. The people of England had a deep interest in each of these great incorporations, which, by facilitating the influx and diffusion of wealth, and the increase of manufacturing industry, were in an eminent degree calculated to promote the general welfare, and stimulate social improvement.

1693.
The East
India
Company.

¹ The Bank of Scotland was established in 1695. See *History of Scotch Poor Law*, p. 96.

² On the 12th of January 1693, a Bill was passed for raising a million by way of loan for the public service. This was the first loan, and may be regarded as the commencement of the Funding System.

1696-97.
8 & 9 Will.
III. cap. 30.

The settlement law was still working unsatisfactorily, notwithstanding the various amendments which had been applied to it within the last thirty years; and another amendment was now attempted by 8 & 9 William III. cap. 30, entitled "An Act for supplying some Defects in the Laws for the Relief of the Poor." The Act commences with this important recital:—"Forasmuch as many poor persons, chargeable to the parish or place where they live, merely for want of work, would, in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security as will or may be required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in handwriting, they are for the most part confined to live in their own parishes or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places where the increase of manufactures will employ more hands." Nothing can be clearer than this statement here given, of the hardships inflicted by the law of settlement upon the labouring classes, and for which a remedy is sought to be provided in the present statute, by enacting that poor persons, coming to reside in any parish, shall bring with them and deliver to the parish officers a certificate, under the hands and seals of the churchwardens and overseers of the parish to which they belong, owning and acknowledging the persons therein mentioned to be legally settled in that parish; and such certificate, being allowed and subscribed by two justices of the peace, will render it imperative upon that parish to receive and provide for the persons named therein, whenever they shall become chargeable, or be forced to ask relief in the parish to which they had come; and then, and not before, such persons may

Certificate
of settle-
ment to be
given.

be removed to the parish which granted them the certificate.

And in order "that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars," it is further enacted, that every person receiving relief of any parish shall, together with his wife and children, openly wear upon the shoulder of his right sleeve a badge or mark with a large Roman P, and the first letter of the name of the parish whereof such poor person is an inhabitant, cut thereon either in red or blue cloth. And if any such poor person shall refuse or neglect to wear such badge, any justice of the peace may, upon complaint, punish such offender, by ordering the relief or usual allowance on the collection to be reduced, suspended, or altogether withdrawn, or else by committing such offender to the house of correction, there to be whipped and kept to hard labour not exceeding twenty-one days. And if any churchwarden or overseer shall relieve any such poor person not wearing a badge or mark as aforesaid, and be thereof convicted, he is in every such case to forfeit the sum of twenty shillings, one half to the informer, the other half to the poor of the parish.

It appears that the expenses arising out of the settlement law, already began to attract attention. In the 3rd section of the present Act it is directed, "for the more effectual preventing of vexatious removals and frivolous appeals," that the justices in their general or quarter-sessions, upon any appeal before them concerning the settlement of any poor person, or upon proof before them made that notice of any such appeal had been given, may award and order the party in whose behalf the appeal shall be determined, or to whom such notice was given, such costs and charges as the said justices shall think just and reasonable, to be paid by the churchwardens and overseers, or

Persons
receiving
relief to
wear a
badge.

Vexatious
removals
and
appeals.

any other person against whom such appeal shall be determined.

The 4th section of the Act recites, that some doubts had arisen touching the settlement of unmarried persons hired for a year, and it therefore enacts, "That no person so hired shall be adjudged to have a good settlement in any parish or township, unless such person shall continue and abide in the same service during the space of one whole year." Settlement by hiring and service was therefore already giving rise to doubts, and threatening to lead to litigation, a threat which was afterwards abundantly fulfilled. Doubts, it is also said, had arisen, whether the persons to whom poor children had been assigned as apprentices under 43rd Elizabeth, were compellable to receive them, owing to which doubts, "the law had failed of its due execution"; and the 5th section therefore enacts, that such persons are bound to execute the indenture, and receive the said poor children, and make due provision for them, under a penalty of £10, to be applied to the use of the poor of the parish.

Settlement
by hiring
and service.

Appren-
ticeship.

All the provisions of this Act (8 & 9 William III. cap. 30) are important, and manifest increasing familiarity with the details of Poor Law administration, now everywhere in activity, and giving rise, it must be confessed, to some of the abuses usually attendant upon uncontrolled local management. As defects in the law became apparent, and as these abuses became known, the legislature endeavoured from time to time to amend the one, and prevent the other; and there is sufficient evidence that the working of the law, and the law itself, much occupied the attention of thinking people of every class at that time.

1696-97.
8 & 9 Will.
III. cap. 36.

Against
importing
foreign
lustrings.

The 8 & 9 William III. cap. 36, deserves attention on account of its preamble, which declares that "there are great quantities of alamodes and lustrings consumed by his Majesty's subjects, which till of late years were imported from foreign parts, and thereby the treasure

of this nation much exhausted ; but that the same are now manufactured in England by the Royal Lustring Company, to as great perfection as in any other country, whereby many thousands (of the poor) may be employed." Penalties are then enacted against smugglers of foreign lustrings, which are subjected to a high duty, and some altogether prohibited. This Act is expressly framed for the purpose of raising up a native to supersede a foreign manufacturer. Instead of buying in the best and cheapest market, the framers of the Act are for a time content with a dearer, and possibly an inferior article, in the hope that this forbearance will enable them to obtain supplies from native producers, as good and as cheap as can be procured in any foreign market ; and if the effort be judiciously made, if practice alone be wanting to bring the native to a level with the foreign production in price and quality, the wisdom of so doing can hardly be disputed. But it must be remembered that all such protection is costly as well as enervating, and its duration ought therefore to be limited to the secure establishment of the new manufacture. If continued longer, it will not only inflict a needless loss upon the community, but will also be a cause of weakness to the new undertaking ; as the shelter placed at first round a young plant will cause it to become tender and unhealthy, unless, after it has struck root and acquired strength, the shelter be removed. Without early shelter, the young plant might have drooped and died, and unless at first protected, the new manufacture might never have risen into life. In both cases protection may for a time be useful ; but it must not be carried further, nor continued longer, than is necessary for the enrooting of the one, or the introduction and fair development of the other. These points attained, each should be left free and open to grow, harden and expand by its own natural energies.

The Peace
of Ryswick
signed on
the 20th of
Sept. 1697.

1698.
10 William
III. cap. 17.

Disbanded
soldiers
may set up
trades, etc.

The war against France had continued nearly nine years, and now, the object for which it was undertaken having been accomplished, by reducing the power of France within limits not incompatible with the liberties of Europe, William determined to bring it to a close; and the peace of Ryswick was signed, to the great joy of the people, who had suffered much through the heavy pressure of taxation and the losses and interruptions of trade. An Act was also passed (10 William III. cap. 17) "to enable such officers and soldiers as have been in his Majesty's service during the war to exercise trades," etc. This statute is framed on the model of 12 Charles II. cap. 16,¹ and the disbanded soldiers were thus enabled at once to mingle with, and become merged in the productive classes, as was the case with the soldiers of the Commonwealth after the Restoration.

1697-98.
9 William
III. cap. 11.

The Act of the last session, "for supplying some Defects in the Laws for the Relief of the Poor" (8 & 9 William III. cap. 30),² had been found defective, and 9 William III. cap. 11, was passed to amend it. After reciting the provisions of that Act with respect to certificates of settlement, it is stated that doubts have arisen as to the Acts by which any person coming to reside in a parish by virtue of such certificate, may procure a legal settlement therein, and whether such certificate did not amount to a notice in writing in order to gain a settlement. For removal of such doubts, it is now enacted, "That no person or persons whatsoever, who shall come into any parish by any such certificate, shall be adjudged by any Act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and *bonâ fide* take a lease of a tenement of the yearly value of ten pounds, or shall execute some annual office in such parish, being legally placed in such

¹ *Ante*, p. 275.

² *Ante*, p. 340.

office.”¹ This enactment calls for no remark, beyond an expression of surprise that the certificate in question could have been so construed as to be regarded an equivalent for the notice required to be given for a totally different purpose by 3 William and Mary, cap. 11.²

The 10 William III. cap. 3, recites that “The price of corn is become very great, and in some parts excessive, and in several parts of Europe is scarcer and dearer than in England; on which account it is likely persons will for their private advantage export great quantities to foreign parts, whereby the price here will be further enhanced, if a timely remedy be not provided. The exportation of corn, etc., is then prohibited for one year, under penalty of forfeiture, and the imprisonment of the master, mariners, and others acting therein. At the same time, 10 William III. cap. 4, was passed, prohibiting distillation from corn, and the exportation of beer and ale. This was one of the series of unfavourable years, commencing in 1693, and ending in 1699, in which, owing to cold springs and wet ungenial summers, the harvests proved deficient throughout Europe, everywhere causing great distress and privation. The price of wheat in 1698, according to the Eton tables, was 60s. 9d. the quarter, Winchester measure, and the average of the entire seven years was 57s. For the seven preceding years, according to the same tables, the average price was 31s. 9d., and for the following seven years it was 30s. 5d., in both cases not much above one-half. During these “seven barren years” we are told that the distress was so great in Scotland, that several extensive parishes were nearly depopulated, and that farms remained unoccupied for several years afterwards.”³ This long-continued scarcity

1698.
10 William
III. caps.
3 and 4.

Exporta-
tion of corn
prohibited.

Distillation
from corn
prohibited.

¹ Twenty years afterwards, by 12 Anne, cap. 13, it is enacted that an apprentice or hired servant to a certificated person, shall not thereby gain a settlement in the parish where such hiring or apprenticeship takes place.

² *Ante*, p. 323.

³ See Tooke's *History of Prices*, vol. i. p. 30.

must have caused a material addition to the poor-rates, the amount of which, and their continual increase, were loudly complained of; and various schemes were devised by Mr. Locke and other ingenious persons to remedy the evil; all which schemes were however based upon the assumption that remunerative employment could be found for every one, and that such employment should be provided at the risk and charge of the public.¹

1698.
10 William
III. caps.
25 and 26.

Inland
navigation.

Two Acts deserving notice (10 William III. caps. 25 and 26) were passed this year, for making and keeping navigable the rivers Aire and Calder, and the river Trent, both of which measures, the preambles assert, will greatly promote trade and commerce. These Acts may be regarded as the commencement of a series of efforts for the creation of inland water-communications, which were steadily continued until the country was supplied with the means of transit necessary for developing its resources, and which at the same time added immensely to its powers of production, and to the field of profitable employment. The network of canals, and rivers made navigable, which were successively formed to meet the wants of the respective districts, constitute the completest system of internal navigation which any country, excepting Holland, ever possessed; and the example of the Dutch in this respect, there is every reason to believe, greatly aided, if it did not give rise to, these useful undertakings in England.

1698-99.
11 William
III. cap. 18.

The 11 William III. cap. 18, is entitled "An Act for the more effectual Punishment of Vagrants, and sending them whither by law they ought to be sent." It commences by declaring that "many parts of this

¹ The distress and consequent mendicancy occasioned by the famine in Scotland led to important extensions of Poor Law administrative powers, in part, apparently, founded on the English Act, 11 Will. III. cap. 18. See *History of Scotch Poor Law*, pp. 78-85.

kingdom are extremely oppressed by the usual method of conveying vagabonds or beggars from parish to parish in a dilatory manner, whereby such vagabonds or beggars, in hopes of relief from every parish through which they are conducted, are encouraged to spend their lives in wandering from one part of the kingdom to another ; and to delude charitable and well-disposed persons, frequently forge counterfeit passes, testimonials, or characters, whereby the charitable intentions of such persons are often abused." For remedy whereof it is enacted, that all vagabonds, beggars, or other persons whatsoever, who shall apply or be brought to any constable, head-borough, tithingman, or other officer, with any pass, testimonial, letter of request, or other writing, pretending thereby to be relieved or conveyed, shall be taken before the nearest justice for examination ; and if found such as ought by law to be punished, the justice is to send them to the house of correction ; or if otherwise, then to order them to be immediately conveyed to the town in the next county through which they would have to pass ; and the constable or other officer is forthwith to convey them to the house of correction, or to such town accordingly. The justice is further required to give a certificate of the number of such persons so ordered to be punished or conveyed, as also the manner, how, and whether by cart, horse, or foot, and what number of persons such constable or officer had occasion to employ to bring such persons before him, or to convey them as aforesaid.

Persons
with passes
and testi-
monials,
etc., to be
taken
before a
magistrate.

In this Act an endeavour is made to provide for a contingency sure to arise under the law of settlement. By "sending them whither by law they ought to be sent," of course is meant the place where they are lawfully settled ; and doing this was, it appears, attended in many places with a charge "extremely oppressive," as well as with delay and other evils, among which must be included the difficulty of ascer-

taining the place of legal settlement, and the ill-feeling, litigation, and expense thence often arising. The practice of referring every case of difficulty in Poor Law administration to the justices, has, we see, already begun; and as most of these difficulties are more or less connected with settlement, the passing of that law must have greatly added to the labours of the local magistracy, and frequently placed them in a position of great difficulty, by requiring them to decide in cases where the grounds for decision were at least doubtful and obscure.

1700-1.
12 & 13
Will. III.
cap. 2.

Succession
to the
Crown.

The last statute of William's reign requiring notice—and this less from its immediate connection with our present subject, than on account of its general importance—is 12 & 13 William III. cap. 2, usually called the "Act of Settlement." After reciting that, "it had pleased Almighty God to take away our Sovereign Lady Queen Mary, and also the most hopeful Prince William, Duke of Gloucester, to the unspeakable grief and sorrow of the king and his good subjects; and his Majesty having particularly recommended a further provision to be made for the succession to the Crown in the Protestant line, for the happiness of the nation and the security of our religion," it enacts, that the Princess Sophia of Hanover, granddaughter of James the First, and her issue, being Protestants, shall succeed to the Crown and regal government of these kingdoms, after the king and the Princess Anne of Denmark, and in default of their leaving issue. "And thereunto the Lords Spiritual and Temporal and Commons in parliament assembled, in the name of all the people of this realm, themselves, their heirs, and posterities, do faithfully promise to stand to, maintain, and defend to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary."

A new call for the king's exertions now arose, in

consequence of the King of Spain having, on his death-bed, bequeathed the whole of his vast possessions to the grandson of Louis the Fourteenth. The concentration of the French and Spanish monarchies in the hands, or under the influence, of so ambitious a monarch as the King of France, excited the most lively apprehensions. The parliament and the people joined heartily in supporting the measures which the king deemed to be necessary for averting the consequences threatened by such a concentration. The old alliance against French aggression was renewed, the forces by land and sea were increased, and war against France was almost unanimously advocated, partly with a view to curtail a power become dangerous to the other nations of Europe, and partly also on account of the young Pretender's having been acknowledged by Louis as King of England¹—an insult which aroused the deepest resentment in the entire English people.

Protective
measures
against
France.

William's health had for some time appeared to be failing, but his mind was fresh and vigorous, and he continued to fulfil all the duties of his high station with exemplary punctuality. On the 21st of February 1702, however, his horse fell with him whilst riding to Hampton Court, and fractured his collar-bone. The fracture was set, and he returned to Kensington the same evening. But he continued feeble afterwards, and on the 3rd of March was seized with fever and ague, which on the 8th brought his life to a close, in the 52nd year of his age, after reigning a little more than thirteen years. William's character is best shown by his actions. Perhaps no sovereign was ever beset with greater difficulties, and none ever more thoroughly succeeded in overcoming them. To him the nation is indebted for the practical working out and final settlement of our free constitution, which he left

1702.
Death of
the king.

¹ His father, late James the Second, died at St. Germain's on the 16th of September 1701.

perfect and entire as a legacy to the English people. May they ever cherish it as a treasure above all price !¹

Queen
Anne.
1702-1714.

On the death of William, the Princess Anne succeeded to the Crown, in conformity with the Act of Settlement, and at once declared her determination to follow the line of policy marked out by the late king. Before entering upon an examination of the legislative proceedings of Anne's reign however, it will be convenient to take a brief survey of the state of the country, and the position of the Poor Law, at the commencement of the eighteenth century.

Increase of
the poor-
rates.

We have seen that the poor-rates had gone on increasing in amount, as the law came into fuller operation ; but they are said to have increased more rapidly after the Revolution than before, which may be true, as the Law of Settlement enacted in 1662 would very likely lead to such a result. At the period of the Revolution, settlement would be beginning to produce its natural fruits, in impeding the free transference and interchange of labour ; and by restricting men in their efforts for self-support, it would give them a kind of equitable claim on the parish purse—a claim which they would probably not permit to lie dormant. Any increase which may have taken place in the poor-rates

¹ It has been said of William, by no common authority, that he was the greatest sovereign England ever possessed ; an observation no less just in itself, than honourable to the distinguished individual by whom it was made. See Prince Albert's speech at St. Martin's Hall, June 17, 1851, on the celebration of the 150th anniversary of the Society for the Propagation of the Gospel in Foreign Parts, from which the following is an extract :—"This Society was first chartered by that great man William the Third—the greatest sovereign this country has to boast of ; by whose sagacity and energy was closed that bloody struggle for civil and religious liberty which had so long been convulsing this country, and then were secured to us the inestimable advantages of our constitution and of our Protestant faith. Having thus placed the country upon a safe basis at home, he could boldly meet her enemies abroad, and contribute to the foundation of that colonial empire which forms so important a part of our present greatness ; and honour be to him for his endeavour to place this foundation upon the Rock of the Church."

at this period, beyond the increase naturally arising from the continually augmenting population of the country, and from more fully carrying into effect the general provisions of the law, may therefore, I think, be attributed to the working of the Law of Settlement.

That great alarm was felt during the latter part of William's reign, on account of the continually increasing amount of the poor-rates, is certain. The king more than once adverted to it in addressing parliament. In 1698 he said: "I think it would be happy if some effectual expedient could be found for employing the poor, which might tend to the increase of our manufactures, as well as remove a heavy burthen from the people." And in the following year he said: "The increase of the poor is become a burthen to the kingdom, and their loose and idle life does in some measure contribute to that depravation of manners which is complained of, I fear, with much reason. Whether the ground of this evil be from defects in the laws, or in the execution of them, deserves your consideration. As it is an indispensable duty that the poor who are not able to help themselves should be maintained, so I cannot but think it extremely desirable that such as are able and willing should not want employment, and such as are obstinate and unwilling should be compelled to labour." In his speech the next year he again adverted to the subject, and said: "The regulation and improvement of our trade is so public a concern, that I hope it will ever have your serious thoughts; and if you can find proper means of setting the poor at work, you will ease yourselves of a very great burthen, and at the same time add so many useful hands to be employed in our manufactures and other public occasions."¹

¹ These passages are quoted from Sir Frederic Eden's *State of the Poor*, vol. i. p. 247. He gives them as extracts from Chandler's *Debates*.

Another instance of William's solicitude on the subject is furnished by the Board of Trade, which he established in 1696,¹ and of which that eminent philosopher and good man, John Locke, was appointed a member. In addition to all matters appertaining to trade, the Commissioners were instructed "to consider of proper methods for setting on work and employing the poor, and making them useful to the public."

Mr. Locke's
report on
the poor.

Accordingly, in the following year, the Commissioners presented a Report, drawn up by Mr. Locke, in which it is stated that "the multiplying of the poor, and the increase of the tax for their maintenance, is so general an observation and complaint that it cannot be doubted of; nor has it been only since the last war that the evil has come upon us; it has been a growing burthen on the kingdom these many years, and the two last reigns felt the increase of it as well as the present." Mr. Locke considers the evil to proceed neither from scarcity of provisions nor want of employment, but that it is caused by the relaxation of discipline and the corruption of manners. He is of opinion that above one-half of those receiving parish relief are able to earn their own livelihood; and, as the greater part of them "are neither wholly unable nor unwilling to work, but, either through want of work being provided for them, or their unskilfulness in working, do little that turns to public account," he recommends that working schools shall be set up in each parish, and that the materials used in these schools, and in setting the other poor people to work, shall be provided by a common stock in each hundred. He appears to think that all who are able to work should be furnished with suitable employment at the public charge, and that such employment would be remunerative to the com-

¹ The Board of Trade, which had been established in the reign of Charles the Second, like other objects of utility in that dissolute period, was of brief duration.

munity, whose interest it would therefore be to provide it. Numerous minute regulations, all more or less open to objection, are proposed for carrying out this view, which, together with stringent measures for the suppression of vagrancy, constitute the substance of Mr. Locke's recommendations; as they do, indeed, of the various other schemes promulgated about this time, of which Sir Frederic Eden gives a detailed account, but it is unnecessary to notice them here.

It was with a like view to the profitable employment of the poor that, in 1697, the several parishes of the city of Bristol were, by an Act of Parliament, formed into a *Union*, having a common workhouse, and the management being vested in a corporation appointed for the purpose. This appears to have been accomplished mainly through the exertions of Mr. John Carey, one of whose objects was to effect thereby an equalisation of the rates in all the parishes within the city limits,—no doubt a legitimate object; but Mr. Carey also advocated the workhouse as being “the best means of restraining idleness,” and in which “the poor of both sexes and all ages may be employed in beating hemp, dressing and spinning flax, or in carding and spinning wool and cotton. The design being to provide places for those who care not to work anywhere, and to make the parish officers more industrious to find them out when they know whither to send them, by which means they would be better able to maintain the impotent.” The establishment of a workhouse of this description, under such supervision, could hardly fail of materially reducing the poor-rates in the united parishes; and in a publication, some years afterwards, Mr. Carey declares “that it has had this good effect, that there is not a common beggar or disorderly vagrant seen in their streets, but charity is given in its proper place and manner; and the

1697.
Bristol
workhouse.

magistrates are freed from the daily trouble they had with the poor, and the parishes they lived in are discharged from the invidious fatigues of their settlements, when a great deal of what should have maintained them was spent in determining what parishes were to do it." The example and success of Bristol in this respect, shortly led to the passing of similar Acts for Worcester, Hull, Exeter, Plymouth, Norwich, and other places.¹

1701.
Amount of
the poor-
rates.

Of the amount of the poor-rates at the commencement of the eighteenth century, we have very imperfect means of judging. In a pamphlet entitled "The Grand Concern of England Explained," they were estimated in 1673 to amount to £70,000 a month, or £840,000 per annum.² A pamphlet published at Exeter, in 1698, entitled "Bread for the Poor," and having the initials of Richard Dunning prefixed, estimates the charge for the poor throughout the kingdom at above £819,000.³ The author of a pamphlet entitled "A Present Remedy for the Poor," published in 1700, and cited in a note by Sir F. Eden,⁴ says: "There is, every year, a million of money collected in this kingdom from all parishes for the relief of the poor." These are, it must be admitted, not perfectly reliable authorities, but, when coupled with what has already been adduced, they will, I think, warrant our assuming, that in 1701 the poor-rates in England and Wales fell little short of £900,000.

1701.
Popula-
tion.

With respect to the amount of the population, the information we possess is nearly as uncertain as it is with regard to the poor-rates. We have assumed that, at the Revolution in 1688, the population of England

¹ These workhouses are more particularly referred to *post*, pp. 364, 367, and 373. The Dublin workhouse also was established in 1703. See *History of Irish Poor Law*, pp. 35, 38.

² Sir F. Eden's *State of the Poor*, vol. i. p. 189.

³ *Pictorial History of England*, book ix. p. 844.

⁴ Sir F. Eden's *State of the Poor*, vol. i. p. 264.

and Wales was somewhat over five millions and a half,¹ and we may perhaps be warranted in setting it down at five millions and three-quarters in 1701, notwithstanding that it has been estimated at considerably less.²

In the social condition of the people at this time, there was probably little change beyond the general improvement certain to take place, as soon as the corrupt and arbitrary government of the Stuarts was replaced by one of an opposite character. The institutions of the country remained unchanged, but the spirit in which they were administered was altogether different after the revolution of 1688.

The seven unproductive years terminated³ with 1699, after which the seasons again became favourable, and prices resumed their wonted range. The rate of wages may be presumed to have continued stationary, Rate of wages. since they are not adverted to by any of the numerous writers of the period, and they may therefore also be presumed to have been on the whole satisfactory. Sir Matthew Hale in 1683 puts the wages of a day-labourer at 10s. a-week, or £26 a-year.⁴ The Hon. Roger North, about 1688, says that in Norfolk, Suffolk, and Essex a labourer earned 12d. a day, whilst in Oxfordshire it was 8d., in the North 6d., and in Cornwall, he had been informed, it was no more than 2d.; but in these last three instances, the labourer probably received provisions as well as money. In the same year Mr. Gregory King, in a curiously elaborate table, Mr. Gregory King's scheme. inserted entire by Sir F. Eden, gives the wages of artisans and handicraftsmen at 2s. 6d. a day, or £38 a year, and of common labourers and out-servants at 1s. a day, or £15 a year. This table is so curious and

¹ *Ante*, p. 265.

² The population of Scotland was about one million. See *History of Scotch Poor Law*, p. 52.

³ *Ante*, p. 345.

⁴ Sir F. Eden's *State of the Poor Law*, vol. i. p. 216; also p. 228.

interesting, that I will here insert it entire, for the purpose of comparison :—

A SCHEME OF THE INCOME AND EXPENSE OF THE SEVERAL FAMILIES
IN ENGLAND CALCULATED FOR THE YEAR 1688.

| Number of Families. | Ranks, Degrees, Titles, and Qualifications. | Heads per Family. | Number of Persons. | Yearly Income per Family. | Yearly Income in general. |
|---------------------|--|-------------------|--------------------|---------------------------|---------------------------|
| | | | | £ s. | £ |
| 160 | Temporal lords . . | 40 | 6,400 | 3200 0 | 512,000 |
| 26 | Spiritual lords . . | 20 | 520 | 1300 0 | 33,800 |
| 800 | Baronets | 16 | 12,800 | 880 0 | 704,000 |
| 600 | Knights | 13 | 7,800 | 650 0 | 390,000 |
| 3,000 | Esquires | 10 | 30,000 | 450 0 | 1,200,000 |
| 12,000 | Gentlemen | 8 | 96,000 | 280 0 | 2,880,000 |
| 5,000 | { Persons in greater offices and places . } | 8 | 40,000 | 240 0 | 1,200,000 |
| 5,000 | { Persons in lesser offices and places . } | 6 | 30,000 | 120 0 | 600,000 |
| 2,000 | { Eminent merchants and traders by sea } | 8 | 16,000 | 400 0 | 800,000 |
| 8,000 | { Lesser merchants and traders by sea . . } | 6 | 48,000 | 198 0 | 1,600,000 |
| 10,000 | Persons in the law . | 7 | 70,000 | 154 0 | 1,540,000 |
| 2,000 | Eminent clergymen . | 6 | 12,000 | 72 0 | 144,000 |
| 8,000 | Lesser clergymen . . | 5 | 40,000 | 50 0 | 400,000 |
| 40,000 | { Freeholders of the better sort . . . } | 7 | 280,000 | 91 0 | 3,640,000 |
| 120,000 | { Freeholders of the lesser sort . . . } | 5½ | 660,000 | 55 0 | 6,600,000 |
| 150,000 | Farmers | 5 | 750,000 | 42 10 | 6,375,000 |
| 15,000 | { Persons in liberal arts and sciences . } | 5 | 75,000 | 60 0 | 900,000 |
| 50,000 | { Shopkeepers and tradesmen . . . } | 4½ | 255,000 | 45 0 | 2,250,000 |
| 60,000 | { Artisans and handi- craftsmen . . . } | 4 | 240,000 | 38 0 | 2,280,000 |
| 5,000 | Naval officers . . . | 4 | 20,000 | 80 0 | 400,000 |
| 4,000 | Military officers . . | 4 | 16,000 | 60 0 | 240,000 |
| 500,586 | | 5½ | 2,675,520 | 63 18 | 34,488,800 |
| 50,000 | Common seamen . . | 3 | 150,000 | 20 0 | 1,000,000 |
| 364,000 | { Labouring people and out-servants . } | 3½ | 1,275,000 | 15 0 | 5,460,000 |
| 400,000 | Cottagers and paupers | 3¼ | 1,300,000 | 6 10 | 2,000,000 |
| 35,000 | Common soldiers . . | 2 | 70,000 | 14 0 | 490,000 |
| ... | { Vagrants, as gipsies, thieves, beggars, etc. } | ... | 30,000 | 10 10 | 60,000 |
| 1,349,586 | Neat totals . . . | 4½ | 5,500,520 | 32 5 | 43,498,800 |

The yearly income of these 5,500,520 persons is thus estimated at £43,498,800; and Mr. Gregory King reckons the twenty-one first and largest classes

of recipients to increase the wealth of the kingdom by spending less than their incomes, and the five last (including vagrants, etc.) to decrease it by spending more. This is a fanciful division, and of course there is no pretension to exactitude in the above figures. The scheme can be regarded as nothing more than an approximation, and possibly a wide one. But there is no reason for supposing that Mr. King inserted anything which he did not himself believe to be true, and his researches and computations are at least entitled to respect. Davenant remarks approvingly, that he had examined this table, and tried it with some little operations of his own on the same subject, and compared it with the schemes of other political arithmeticians. The 60,000 artisans and handicraftsmen appear a very small number compared with the farmers, labouring people, and out-servants, and such a proportion would warrant the inference, that down to the time of the Revolution, agriculture was still the almost exclusive occupation of the country, and that, notwithstanding a certain advance had been made in commerce and manufactures, they were each yet in their infancy. This is further evidenced by the incomes of "eminent merchants and traders by sea" being set down at no more than £400—a sum showing that the position of the trader, and the capital employed in trade, were alike inconsiderable, in comparison with what is seen at the present day.

The commercial intercourse with India had long been impeded by the conflicts of rival parties, as well at home as in that country; and it was not until towards the end of William's reign that arrangements were made for amalgamating these opposing interests, and consolidating them into one association. This at Commerce. length was accomplished, and a new corporation was formed, under the title of "The United Company of Merchants of England trading to the East Indies," the

Summary
of results.

charter for which was, however, not finally settled and signed until after Anne's accession. The two great corporations of the Bank of England and the East India Company, the greatest the world has ever known, whether viewed in reference to their immediate operations or to their results, and under each of which the author of this work deems it an honour to have served, may thus be said to have both had their origin in William's reign;¹ during which, and notwithstanding the pressure of war throughout the greater portion of it, and the interruptions and burthens thereby imposed upon trade and manufacturing industry, we nevertheless find that the currency had been restored and a new coinage issued; that the Bank of England and a system of public credit had been established; a board of trade and plantations organised; our colonies in North America and the West Indies greatly extended; our settlements and trade in the East enlarged and put under better management; our fisheries much improved; our shipping more than doubled; the noble institution of Greenwich Hospital founded; inland water communications commenced; the Triennial Act passed; the preliminary steps taken for bringing about a legislative union with Scotland, which shortly afterwards was happily effected; and our power by sea and land, and our influence in the affairs of the world, advanced to the first rank.

Such were the results of the Revolution of 1688, and the thirteen years of William's government, spite of the difficulties attending its commencement, and the war and other embarrassing circumstances by which it was continually put in jeopardy. At no other like period of our history do we find a like amount of advantages secured. But with William came in well-defined constitutional liberty, out of which these and other benefits naturally flowed; and no sooner was

¹ *Ante*, p. 339.

peace concluded in 1697, than the enterprise, industry, and creative powers of the country burst forth free and unshackled, repairing and supplying with wonderful energy whatever had been misdome or omitted, surpassing all that had hitherto been achieved, and laying the foundation for future advances on the road of improvement.

CHAPTER IX

A.D. 1702-1714

Accession of Anne—The Mutiny Act—The “truck system” prohibited—Sea-apprenticeship—Worcester workhouse—Pauper labour—Plymouth workhouse—Education of the poor—Augmentation of small livings—Union with Scotland—Game-laws—General scarcity—Prices of wheat—Norwich workhouse—Prohibition of “truck”—The woollen and sailcloth manufactures—Peace of Utrecht—Reduction of interest—Condensation of laws relating to vagrancy—The queen’s death—Summary of the events of her reign—Population—The Poor Law—Amount of poor-rates—Workhouses—Increase of trade and shipping—Extended importance of the colonies.

1702.
Accession
of Queen
Anne.

It has been already stated that the queen determined to adhere to the policy marked out by the late king.¹ The Duke of Marlborough was appointed captain-general, and sent as ambassador extraordinary to Holland, where he was received with great joy; and war against France and Spain being shortly afterwards declared, he was made commander-in-chief of the allied armies. The industrial operations of the country must doubtless have been impeded by the war, yet so strong and elastic had the country become in its internal resources, and such was the energy imparted by the confidence every man felt, and the freedom with which every man acted under the shield of the constitution, that the check to commerce was scarcely perceptible. If stopped in one direction, it found vent in some other, and trade and manufacturing industry continued to advance, and the country to prosper, even during the ravages of a protracted war.

1702.
1 Anne,
stat. 2,
cap. 20.

The first statute of the present reign to be noticed, is 1 Anne, stat. 2, cap. 20, entitled “An Act for

¹ *Ante*, p. 350.

punishing Officers and Soldiers who shall mutiny or desert," etc. It commences by reciting that the raising or keeping a standing army in time of peace, unless it be with the consent of parliament, is against law; and it then declares it to be necessary that the forces now on foot should be continued, and others raised, for the safety of the kingdom, for the common defence of the Protestant religion, and for the preservation of the liberties of Europe. "And whereas no man may be forejudged of life or limb, or subjected in time of peace to punishment by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite, for retaining such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow," it is enacted, that any officer or soldier who shall excite, cause, or join in any mutiny or sedition, or shall desert, is to suffer death or such other punishment as by a court martial shall be inflicted. There are numerous other provisions regulating musters, quartering of soldiers, furnishings, carriages, keeping the accounts, etc., all essential for the due government of an army, but not necessary to be noticed here. This is a continuation of the Mutiny Act, passed in the first year of William and Mary, and renewed with more or less variations in the following years of William's reign, as it has ever since continued to be; for without it the army could not be kept together or governed.

The 1 Anne, stat. 2, cap. 22, declares that frauds are daily committed by persons employed in the woollen, linen, cotton, and iron manufactures, by embezzling the materials with which they are intrusted, to the great prejudice of trade; and it is enacted, that any person so offending shall, on conviction, forfeit

1702.
1 Anne,
stat. 2,
cap. 22.

Labour to
be paid for
in money,
not in
goods.

double the value for the use of the poor. And, in order "to prevent the oppression of the labourers and workmen employed in the manufactures," it is further enacted, that all payments for work by them done shall be in lawful coin of the realm, and not by any commodities in lieu thereof, on pain of forfeiting double the value of what was due for such work. This was even-handed justice, and in the long run would be advantageous to both parties. The master's property should be protected, and the labourer's wages should be paid to him in the common medium by which all other interchanges of value are adjusted. If the employer were permitted to substitute provisions or other commodities for the current coin of the realm, it would deprive the labourer of the free disposal of his own earnings, and might subject him to fraudulent oppression, against which he would have no defence, and for which he would be without redress. This enactment proves that the welfare of the working classes was an object of solicitude to the legislature at that time, which thus interposed its protection against an evil too apt to arise, and which, under the designation of the "truck system," has only been put an end to by recent legislation, if indeed it has been entirely suppressed even at present.

The Truck
System.

1703.
2 & 3
Anne,
cap. 6.

In the year following, 2 & 3 Anne, cap. 6, for apprenticing boys to the sea-service, was passed, under the title of "An Act for the Increase of Seamen and better Encouragement of Navigation and Security of the Coal Trade." The object of this Act is essentially similar to what is aimed at in the 4th section of 27 Henry VIII. cap. 25.¹ It empowers any two or more justices of the peace in their several divisions, and all mayors and other chief officers of cities and towns corporate, and likewise the churchwardens and overseers of the poor, with the approbation of such justices, mayors,

¹ *Ante*, p. 121.

and other chief officers, to bind and put out any boy of the age of ten years or upwards who is chargeable or whose parents are chargeable to the parish wherein they inhabit, or who shall beg for alms, to be apprentice to the master or owner of any English ship or vessel, until such boy shall attain the age of one-and-twenty; and such binding is declared to be as effective in law as if the boy were of full age, and by indenture had bound himself. The boy's age is to be inserted in the indenture, and the churchwardens and overseers of the parish whence the boy was bound, are to pay to the master the sum of fifty shillings to provide the boy with sea-clothing and bedding, and are to send the indenture to the collector of customs, who is to endorse, record, and transmit a certificate of the same to the Admiralty; and no such apprentice is to be impressed, or suffered to enlist in the royal navy, until he reach the age of eighteen. It is likewise enacted, that the masters or owners of all vessels between 30 and 50 tons burthen, shall take one such apprentice, and for the next 50 tons one more, and an additional one for every 100 tons afterwards; and the churchwardens and overseers are to convey such apprentices to the port whence they were to sail; and two justices, dwelling in or near to such port, and the mayor or other head officer of any city or corporation near adjoining thereto, are empowered to inquire into and determine all complaints against masters for hard or ill usage of their apprentices.

Apprenticing youths to the sea.

This is no doubt a highly important statute, and although it may be objected that all compulsory apprenticeship is contrary to principle, the provisions by which it is here accompanied are of a nature to neutralise if not entirely to remove the objection. The training up of youths in industrial occupations, and the "encouragement of navigation," are each desirable objects, and they are sought to be attained by enabling

parish officers, with the consent of two magistrates, to apprentice to the sea-service all such youths as, by reason of their own or their parents' poverty, are unable to maintain themselves, or who have become chargeable, or been found begging—thus checking the increase of vagrancy, as well as promoting the “increase of seamen”; whilst in order that these ends may with greater certainty be attained, the masters of all vessels of 30 tons and upwards are compelled to take a number of apprentices in proportion to their size. The youths who come under the provisions of this Act, as was the case under the Act of Henry VIII.,¹ are placed in charge of the magistrates and parish officers, on whom the parental duties and authority are thus devolved, whenever the real parents neglect, or are from absence, poverty or other cause, unable to perform them. This is in fact attacking mendicancy at its source, and the importance of such a provision can hardly be over-estimated on social grounds, independently of the political considerations involved in it. To what extent it was acted upon we have no means of ascertaining; but the obligation on fishing and trading vessels to carry apprentices in proportion to their tonnage was continued to a recent period, and the parish officers still stand *in loco parentis* to poor orphan and deserted children.

The Act for establishing a workhouse at Bristol, has already been noticed;² and in 1703 a similar Act was passed “For the erecting a Workhouse, and for setting the Poor on work, in *the City of Worcester*.” This Act (2 & 3 Anne, cap. 8) commences by declaring, that the numbers of poor people have of late years very much increased, and particularly in the city of Worcester; and that public workhouses have been found most effectual for the prevention and removal of the great mischiefs consequent thereupon, “as from the good success of several workhouses lately erected doth more

1703.
2 & 3
Anne,
cap. 8.

Worcester
workhouse.

¹ *Ante*, p. 124.

² *Ante*, p. 353.

particularly appear." Wherefore it is enacted, that the mayor and certain other of the city authorities, with four other persons to be annually chosen in each of the several parishes out of the ablest and discreetest inhabitants, shall be a corporation to continue for ever, under the designation of "The Guardians of the Poor of the City of Worcester." The corporation so constituted is empowered to raise money, not exceeding the amount of the last year's poor-rate, for providing such hospitals, workhouses, or houses of correction, as may be deemed necessary; and is to relieve the poor of all the several parishes as if they were one parish; and have power to examine churchwardens and overseers upon oath; and to "search and see what poor persons there are come into and residing within the said city"; and may direct the constables to apprehend any rogues, vagabonds, sturdy beggars, or idle or disorderly persons, and cause them to be kept at work in the said buildings, for any time not exceeding six months. The corporation is further empowered to contract with other parishes in the same county for receiving and setting their poor to work (such reception not to confer settlement), and to provide the materials and things necessary for employing such poor, and to compel beggars and idle people to enter any such workhouse, hospital, or house of correction, and set them to work therein; and likewise to detain and keep at work any poor children who shall beg, or whose parents shall beg or be chargeable, until they are of the age of fifteen, and then to bind such children apprentices, for any term not exceeding seven years, to any honest person willing to receive them. The guardians are moreover empowered to inflict punishment on any person within the said workhouses, hospitals, or houses of correction, who shall misbehave or not conform to the rules.

This is a near approach to the modern workhouse, the chief difference consisting in its application to pur-

poses of police, rather more than as a means of relief; whereas our present workhouses are applied entirely to the latter object. There is some difference also with respect to the employment of the inmates. In modern workhouses employment is chiefly regarded as a test of destitution, and as a means of promoting health and maintaining order. But in all the older establishments employment was provided with a view to profit, and for the purpose of turning pauper labour to account, regardless of its effect upon the labour-market, and the position of the independent labourer. In the present instance, however, this effect seems to have been in some measure foreseen, for the 30th section provides, "that no cloth or stuff, either woollen or linen, manufactured in the workhouse or houses of correction, shall be sold by retail within the city of Worcester and the liberties thereof, by any officer or agent of the said workhouse, on pain of forfeiting double the value thereof to any person who shall sue for the same." The cloth and stuff made in the workhouse must, therefore, be used by the inmates, or else be sent to a distance. In the latter case it might not, it is true, interfere with the produce of labour in Worcester; but it would certainly interfere with independent labour somewhere, and to the extent of such interference would it be injurious. This consequence was clearly pointed out by De Foe in 1704, in his comments upon a Bill which had been introduced by Sir Humphrey Mackworth for setting the people to work. De Foe says: "If they will employ the poor in some manufacture which was not made in England before, or not bought with some manufacture made here before, then they offer at something extraordinary. But to set poor people at work on the same thing that other poor people were employed on before, and at the same time not increase the consumption, is giving to one what you take away from another; putting a vagabond in an honest man's

Pauper
labour
displaces
industrial
labour.

employment, and putting diligence on the tenters to find out some other work to maintain his family."

Four years afterwards *Plymouth* obtained an Act, 1707.
6 Anne, cap. 46, similar to the above, and having 6 Anne,
nearly the same preamble. It is unnecessary therefore cap. 46.
to describe the Act in detail, but there is one provision Plymouth
which requires notice. The 10th section provides for workhouse.
the appointment of "some pious, sober, and discreet A school-
person, well qualified for a *schoolmaster*, who shall in master to
some convenient room within the said workhouse, read be ap-
daily morning and evening prayers at certain hours, to pointed,
be for that purpose fixed and stated to the poor people and the
and others belonging to the said workhouse; and also children
shall, by catechising and otherwise, every Saturday in instructed.
the afternoon, and upon holy days, instruct the poor
children and other poor persons belonging to the said
house in the fundamental parts of the Protestant
religion, according to the doctrine of the Church of
England; and shall teach every the said poor children
to read, and write, and cast accompts, and shall also
teach such of the said poor children as have a capacity
and inclination to learn, the art of navigation, and such
part of the mathematics as tend thereunto." This
considerate care for the mental culture of the lowest
and most friendless of our people, is quite refreshing.
It is the first instance of the kind we have met with in
the course of our investigations, and we hail it with
infinite satisfaction. Hitherto restriction and coercion
have been the rule. There has been nothing in the
way of enlightenment, no attempt to improve the
creature by cultivating the faculties with which God
has endowed him, no endeavour to raise him socially
by elevating his moral feelings, or imparting the
purifying influence of religious instruction. The law
found him ignorant, idle, vicious, and instead of
correcting, it rather gave strength and permanence to
these characteristics. But in this Act we see a new

spirit awakened, at least in one locality, and education is brought in to remedy the omissions of an earlier period, and to lay the foundation for future improvements.¹

1703.
2 & 3 Anne,
cap. 20.

Augmenta-
tion of
small
livings.

The 2 & 3 Anne, cap. 20, providing for the augmentation of small livings, is an Act of considerable importance as regards the poor, with whom the clergy are necessarily brought into close communication, and the efficacy of whose ministry will depend very much upon the social position which they are enabled to occupy. The recital declares that "a sufficient settled provision for the clergy in many parts of the realm has never yet been made, by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the cures and officiate there, who, depending for their necessary maintenance upon the good will and liking of their hearers, have been and are thereby under temptation of too much complying, and suiting their doctrines and teaching to the humours rather than the good of their hearers." The arrears of tenths and first-fruits due to the Crown are then remitted, and the whole revenue arising from tenths and first-fruits is thenceforth "settled for a perpetual augmentation of the maintenance of the clergy in places where the same is not already sufficiently provided for." The queen is further empowered by letters-patent under the great seal to erect a corporation for administering the same, together with such donations and bequests as well-disposed persons, encouraged by her Majesty's example, shall contribute to so pious and charitable a purpose. It adds greatly to the merit of this highly useful donation, that it was made during the pressure of an expensive war.

1704.
3 & 4 Anne,
cap. 4.

In the following year, the honour and manor of Woodstock were conferred upon Marlborough, by 3 & 4 Anne, cap. 4, which details the achievements that

¹ Scotland had done even more, by establishing schools in every parish in the kingdom in 1696. See *History of Scotch Poor Law*, p. 98.

gave rise to this noble gift, and also does justice to the efforts previously made by the late king. We cannot doubt that Marlborough's victories kindled a spirit of emulation and energy throughout the country, and led many to enter upon an active life, who might else have passed their days in indolence, or possibly become burthensome to the community. The demands of the war moreover, although in the main wasteful, would yet put various occupations in a state of greater activity; and thus Marlborough's campaigns may be regarded as exercising a certain beneficial influence on the social condition and character of the people. The same may be said of the operations by sea, which were at this time nearly as successful as those by land. Among other advantages obtained by our navy, it is only necessary to mention the taking of Gibraltar, which was this year (1704) captured by Sir George Rooke, in a manner evincing the greatest gallantry and devotion on the part of all engaged in the enterprise.

Woodstock
conferred
on Marl-
borough.

The next event requiring notice, is the Union with Scotland, in comparison with which the French war was a matter of very minor importance. This great measure, so beneficial in its results to the people of both countries, took place on the 1st of May 1707. Negotiations on the subject had been in progress from the very commencement of the queen's reign, and even before that time; but the difficulties which presented themselves, as well in England as in Scotland, and especially in the latter, seemed almost insuperable. By the resolute perseverance of the real patriots in both countries, however, these difficulties were at length overcome, and 6 Anne, cap. 11, confirming the articles of union agreed upon by the Commissioners appointed on behalf of the two kingdoms, received the royal assent, and became the law of the land. The benefits arising from this measure can hardly be overstated. Since the union, England and Scotland have alike gone on rapidly im-

1707.
Union
with
Scotland.

proving. The auguries of evil have proved unfounded, and if the two people have not actually become blended into one, they are yet happily so far identified in habits and feelings, as no longer to take an opposite view on any question affecting the honour or the interest of the United Kingdom. In one respect, however, there has been, and still is, a difference—the Poor Law of the two countries has never been assimilated, and although a nearer approach to it has recently been made, there is still a marked difference in the mode of providing for the relief of the destitute, on the north and on the south of the Tweed.¹

1706.
6 Anne,
cap. 16.
The game-
laws.

The 6 Anne, cap. 16, is entitled “An Act for the better Preservation of Game.” It enacts that any higgler, carrier, innkeeper, or victualler, having game in his possession, or who shall buy, sell, or offer to sell the same, shall, upon conviction, forfeit for every hare, pheasant, etc., the sum of five pounds, one half to the informer, the other half to the poor of the parish; and in default of payment, the offender is to be committed to the house of correction for three months on the first offence, and four months on the second offence, “without bail or mainprise.” The Act further provides, “That any person who shall destroy, sell, or buy any game, and shall within three months make discovery of any higgler, chapman, carrier, innkeeper, etc., that hath bought or sold, or offered to buy or sell, or had in their possession, any hare, pheasant, partridge, etc., so as that any one shall be convicted of such offence,” such discoverer is not only exempted from punishment for having himself killed and then sold the game, but is to be rewarded by receiving, in his capacity of informer, half the penalty imposed by the Act: that is, he retains the money paid to him by the higgler or chapman for the game he unlawfully killed and sold,

¹ For general reflections by the author on the contrasts between the English and Scotch Poor Laws, see *History of Scotch Poor Law*, pp. 278–280.

and also receives half the amount of the fine on every conviction obtained through his treachery. The object of this provision was, no doubt, to sow distrust between the higgler and the poacher, and, by discouraging the one from buying, to put a stop to the other's killing, the game. The last Act on this subject was 4 William and Mary, cap. 23, which declares that the game "had been very much destroyed by many idle persons, who afterwards betake themselves to robberies, burglaries, and other like offences, and neglect their lawful employments." For remedy whereof it directs that the houses of suspected persons may be searched, and if game be found, and not satisfactorily accounted for, the offending party is subjected to a penalty of not less than five nor more than twenty shillings, and in default of payment is to be imprisoned for a period not exceeding a month nor less than ten days, with hard labour. Here we find the penalty imposed indifferently upon the poacher and the receiver; but by the present Act (the 6 Anne), the prime culprit is rewarded in order to facilitate the punishment of the secondary offender or receiver. Such a sanction, not only to breaches of the law, but also to breaches of moral rectitude, must have tended to demoralise those of the working classes on whom the temptation to destroy game would most powerfully operate, and even to extend beyond these, and shed an evil influence over the rest of the population.

The above Act was limited to three years' duration, but it was continued and made perpetual by 9 Anne, cap. 27, which declares that it "hath been found an useful law for the preservation of the game of the kingdom." Some additions are, however, made to it. Killing game in the night is prohibited. Lords of the manor are restricted from appointing more than one gamekeeper, whose name is to be entered with the clerk of the peace; and if any game shall be found in the possession of any person not qualified to kill game,

1710.
9 Anne,
cap. 27.

The game-laws.

“or entitled thereto under some person so qualified, the same shall be adjudged to be an exposing thereof to sale within the intent and meaning of the Act,” and would of course subject such person to the penalties it imposes. The advantages to be derived from the preservation of game, ought to be very great and very certain to warrant the restrictions in this and the previous statutes; but for the direct incentives to fraud and falsehood which they hold out, there can be no warranty; and it is, perhaps, no exaggeration to say, that these laws for the preservation of game have done more to pervert the rural population, and to cause the spread of vice and poverty, than any other Act or circumstance of the period. The law, nevertheless, continued in force for a series of years with very little change.

1709.
8 Anne,
cap. 2.

General
scarcity.
Export of
corn pro-
hibited.

A scarcity prevailed throughout Europe in 1709, and 8 Anne, cap. 2, was passed, prohibiting the exportation of corn, malt, flour, etc. The recital is similar to that of 10 William III, cap. 3,¹ and the Act prohibits, until the end of September in the following year, the exportation of any corn, meal, malt, starch, flour, etc.; but if the price of corn in the public markets shall decrease in the meantime, the queen is empowered, by proclamation, to rescind all or any of the said prohibitions. It does not appear, however, that the price did decrease. Mr. Tooke² gives the price of wheat at Lady-day, 1708, at 27s. 3d.; at Lady-day, 1709, 57s. 6d.; and at Lady-day, 1710, 81s. 9d.; “being (he says) a rise of 200 per cent. in two years,” and he adds in a footnote, “The winter of 1708–9 is one of the most memorable of any in the last century for severity and duration. In this country, and throughout the greater part of the Continent, the frost began in October, and continued, with few intermissions, into a very advanced period of the spring.

1708–9.
Winter
extremely
severe, fol-
lowed by
scarcity.

¹ *Ante*, p. 345.

² See Tooke's *History of Prices*, vol. i. pp. 35, 36.

The summer following was cold and wet; and the dearth with which Europe was visited in 1709, as the consequence of the hard winter and the cold and wet summer, appears to have been very severe and very general." He remarks also that "there was on the continent of Europe, as well as in this country, a considerable proportion of deficient harvests in the seven years ending in 1715, as compared with the preceding seven years." Whenever a deficient harvest occurs, it must necessarily occasion an increase of price, and more or less privation and suffering among the people; and where there are a series of such harvests, the privation must of course be greater, wages being adjusted with reference to the average range of produce and prices, and not to the occasional occurrence of deficiency or excess.

We have seen what was done for providing workhouses at Bristol, Worcester, and Plymouth.¹ In 1711, 1711.
10 Anne,
cap. 15. 10 Anne, cap. 15, was passed for erecting a workhouse Norwich
workhouse. at Norwich. The preamble declares that "the poor in the city of Norwich, and county and liberties of the same, do daily multiply, and idleness, laziness, and debauchery amongst the meaner sort do greatly increase, for want of workhouses to set them to work, and a sufficient authority to compel them thereto, as well to the charge of the inhabitants and grief of the charitable and honest householders, as the great distress of the poor themselves"—for remedy whereof it is enacted, that the mayor, recorder, stewards, justices of peace, sheriffs, and aldermen for the time being, together with thirty-two other persons chosen respectively out of each of the four great wards of the city, shall be a corporation, under the name of "*Guardians of the Poor of Norwich*," with power to provide one or more hospitals, workhouses, or houses of correction, together with the necessaries for setting to work and employing the poor therein, of what age or sex soever they may

¹ *Ante*, pp. 353, 365, and 367.

be. The guardians are further empowered to compel idle or lazy people begging or seeking relief, and such other poor as receive alms or collection-money, or who, by the laws in force ought to be maintained and provided for within the said city, to dwell and work in such hospital, workhouse, or elsewhere; and also to set to such work as they shall think them able and fit for all persons sent into such houses of correction; "and to detain and keep in the service of the said corporation, or set to work until the age of sixteen, any poor child or children of the said city or the liberties thereof begging relief, and afterwards to bind out such children apprentice for any number of years, not exceeding seven, as they shall think convenient." The guardians are also empowered to inflict such punishment as to them shall seem reasonable, on any of the poor persons within the said houses, or that shall be set to work by them, who misbehave or do not conform to the rules. And three of the guardians (the governor or deputy-governor being one) are empowered to issue warrants for apprehending "any rogues, vagrants, or sturdy beggars, or idle, lazy, and disorderly persons, within the said city and liberties, and to cause them to be conveyed, kept, and set to work in the said workhouses, hospitals, or houses of correction, for any time not exceeding three years."

Large powers are here given for repressing idleness and vagrancy, as well as for relieving poverty; but the exercise of these powers at Norwich, as at other places where workhouses are established, was chiefly directed to providing employment that would be remunerative, and this moreover on the assumption that such employment could not be obtained in the ordinary way by the individuals themselves. A dearth of employment may no doubt occur in every community, and especially when it is chiefly occupied in manufactures, as was then the case at Norwich; but the

consequences of such dearth can only be effectually guarded against, by prudence and forethought on the part of the labouring classes; for if in every such case, employment were to be furnished at the public charge, the governing principle of supply and demand would be subverted, and the evil would become chronic, instead of being occasional. This objection applies to the employment organised in workhouses with a view to profit, as much as to any other. It is not carried on to supply a want, nor even in anticipation of a want, but with a totally different object; and to the extent to which it is carried, it is certain to forestall other employment and derange the application of capital, at the same time inflicting an injury on the best workmen for the sake of the worst.

The 10 Anne, cap. 26, is entitled "An Act for Regulating, Improving, and Encouraging the Woollen Manufacture, and for the better Payment of the Poor employed therein." The preamble declares that, owing to the ill practices of some makers, and the unskilfulness of others, English broadcloths have gotten into disrepute both at home and abroad, and that the workers or poor labourers employed in making them have had goods and wares imposed on them in payment for their labour, "instead of ready money, to the great discouragements of the good makers and fair dealers." Regulations are then laid down for measuring and selling such cloths, etc., and it is enacted that "every clothier, clothworker, cardmaker, or any other person concerned in the trade of the woollen manufacture, shall make payment in money for all work done in relation thereunto, and shall not impose any sort of goods or wares in lieu of payment for such work," under a penalty of twenty shillings for every offence, to be determined by one justice of the peace where the same shall be committed, half the penalty to go to the informer, the other half to the poor of the parish.

1711.
10 Anne,
cap. 26.

Workmen's
wages to be
paid in
money.

The care here manifested for the reputation of our cloth manufacture, shows that neither the exciting incidents of the war, nor the party feuds then raging with unusual acrimony, prevented attention being given to the commercial interests of the country. Care is likewise again most creditably manifested for the welfare of the operatives, whom the legislature now, as in the first year of the present reign,¹ come forward to protect from the evils and impositions of the "truck or tommy system." This mode of payment may probably have always more or less prevailed, but there can be no doubt that it is open to abuse, and liable to become the occasion of injustice and hardship to those whom the Act designates as "poor labourers," but who were not "poor" in the strict sense of the term, as they acquire the means of living by their own industry. The requiring employers to pay wages in money, and the penalty imposed on those who, instead of so doing, paid in "any sort of goods or wares," was unquestionably a wise and just provision.

1712.
12 Anne,
cap. 12.

To encourage
the
making of
sailcloth.

In the following year 12 Anne, cap. 12, was passed "For the better Encouragement of the Making of Sailcloth," which is declared to be of great benefit to the nation, employing many thousands of the poor; but that, owing to the duties on hemp and flax imported, and the drawback on foreign-made sailcloth exported, the makers of British sailcloth suffer discouragement. It is therefore enacted, that, over and above the duties payable upon imported sailcloth, a further duty of one penny per ell should be paid; and as "hemp and flax imported draws back nothing of the duties paid for the same when wrought into British sailcloth," a bounty of one penny is allowed "for every ell of British-made canvas fit for or made into sails," which shall be exported by way of merchandise during the next seven years. This was doubtless an encour-

¹ *Ante*, p. 361.

agement to the British manufacturer, but it was at the expense of the British consumer, who would thus have to pay a penny an ell more for foreign sailcloth, and be exposed to whatever additional charge might arise from the bounty on the exportation of the British-made article. These consequences are too obvious not to have been perceived at the time; but the great political importance of encouraging the home manufacture of sailcloth, and the employment thereby afforded "to many thousands of the poor," appear to have overruled the economical considerations involved in the question.

This year (1712) hostilities with France were brought to a close by the treaty opened at Utrecht for a general peace, the preliminaries of which were settled in the month of June, although the peace was not formally proclaimed in London until the 4th of May following. Both countries were left exhausted by their long protracted struggle, yet England suffered comparatively so little, and so rapidly recovered, as to be able shortly afterwards, by 13 Anne, cap. 15, to reduce the interest of money from six to five per cent.,¹ thus proving the elastic energy of the country, and the great powers of renovation it possessed through the industry of its people. Notwithstanding the lamentation set forth in the preamble to the Act, about the decrease in the value of land at home, and of merchandises abroad, we find that the estimated value of our exports had increased nearly fifty per cent. in nine years, having, in 1705, amounted to only £5,308,966, whilst, on an average of the three years from 1713 to 1715 inclusive, they reached £7,696,573, a proof that the reduction of interest was not caused by any falling off in the means of employing capital.

The last statute of this reign which I shall notice is 13 Anne, cap. 26, "For reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants,

¹ See previous reduction, *ante*, pp. 268 and 275.

1712.
Peace of
Utrecht.

1713.
13 Anne,
cap. 15.

Rate of
interest
reduced.

Increase of
exports.

1713.
13 Anne,
cap. 26.

into one Act, and for the more effectual punishing such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be.”¹ After this long and significant title, the preamble recites, that many parts of the kingdom are extremely oppressed by the conveying of vagabonds or beggars from county to county ; persons being conveyed as vagrants who ought not to be so. For remedy of which it is enacted, “ That all persons pretending themselves to be patent gatherers or collectors for prisons, gaols, or hospitals ; all fencers, bearwards, common players of interludes, minstrels, jugglers ; all persons pretending to be gipsies or wandering in the habit or form of counterfeit Egyptians, or pretending to have skill in physiognomy, palmistry, or the like crafty science, or pretending to tell fortunes or like phantastical imaginations, or using any subtile craft or unlawful games or plays ; all persons able in body who run away and leave their wives or children to the parish, and, not having wherewith otherwise to maintain themselves, use loitering, and refuse to work for the usual and common wages, and all other idle persons wandering abroad and begging, (except soldiers, mariners, or seafaring men licensed by a testimonial in writing of some justice of peace), shall be deemed rogues and vagabonds.”

Who are to
be deemed
rogues and
vagabonds.

It is then directed, that if any such rogue or vagabond be found in any parish or place wandering, begging, or misordering him or herself, the constable or any other person there dwelling is to apprehend and convey him or her before a justice of peace, to be dealt with according to law. Justices are moreover empowered to direct general and privy searches at night, for apprehending such rogues, vagabonds, and sturdy beggars ; and may also make examination upon oath, and “ by any other ways and means they shall

Privy
search for
rogues,
vagabonds,
and sturdy
beggars.

¹ For a contrast of the Scotch policy in this matter, see *History of Scotch Poor Law*, p. 89.

think most proper," into the condition, place of abode, and place of birth, of all vagrants, etc., apprehended and brought before them; and are to cause the same to be put in writing and signed by the person so examined, and then to be transmitted to the quarter-sessions, to be filed and kept on record. And if it shall appear that any such person has obtained legal settlement in any place, he is to be sent thither; but if no such settlement hath been obtained, he is to be sent to the place of his birth; and if his place of birth cannot be known, then he is to be sent to the parish or place where he last begged or misordered himself, without having been there apprehended. On this last parish is therefore *now* thrown the responsibility of finding out the vagrant's place of birth or place of settlement, and, failing in that, to provide for him according to law.

To be sent
to their
place of
settlement.

This penalty upon negligent parishes would no doubt operate as a strong incentive to cause the apprehension of beggars and vagrants; and after they are apprehended, the justices are by the Act further empowered, before sending such persons to their place of birth or settlement, to cause them "to be stripped naked from the middle, and openly whipped until his or her body be bloody, or else to send them to the house of correction, there to be kept to hard labour." And if the justices at quarter-sessions shall adjudge any such person to be a dangerous and incorrigible rogue, "they shall cause him to be publicly whipt three market-days successively at some market town near, and afterwards to be kept at hard labour for such time as they in their discretion shall think meet; and in case any rogue so committed shall break out of prison, he is for such offence to be deemed guilty of felony and to suffer as a felon." There are other provisions regulating the mode in which beggars, etc., are to be passed to their places of birth or settlement, and prescribing the form of the passes and certificates,

and how the expenses are to be defrayed; but these are details which it is not necessary here to describe.

Vagrants
and
common
beggars
may be
sent to the
plantations.

The 18th section of the Act provides, that in case any person shall, upon examination before a justice, be found to have committed "any of the acts of vagrancy mentioned, or used the trade or life of a common beggar or vagabond for the space of two years last past, or be a dangerous and incorrigible rogue within the intent of this law," the justice is in such case empowered to commit such offender to the custody of any person or persons, or body politic or corporate, willing to receive him as apprentice or servant, who may detain, keep, employ, and set him to work, either in Great Britain or in any of her Majesty's plantations, or in any British factory beyond the seas, for the space of seven years. An appeal to the quarter-sessions is however allowed, in case the person so committed shall think fit to avail himself of the privilege.

Beggars
brought
from Ire-
land, the
Isle of
Man, etc.

By the 24th and two following sections, masters of vessels are prohibited from bringing from Ireland, the Isle of Man, the Islands of Guernsey, Jersey, and Scilly, or any of the foreign plantations, any native of such places being rogue, vagabond, or beggar, "or a person likely to live by begging," under a penalty of five pounds, and payment of the expenses incurred in apprehending and sending back such persons; and the masters of vessels bound for any of these places are required, under a penalty of five pounds, to take on board and carry back any such persons (who are however to be first openly whipped), upon a warrant from any justice of peace, and upon payment of the sum therein ordered. And it is further enacted, that in case any constable or other officer shall fail of his duty, or be remiss and negligent in apprehending and punishing rogues or vagabonds, he shall for every offence forfeit 20s. to the use of the poor of the parish. By the last section, 39 Elizabeth,

Penalty on
parish
officers for
negligence.

cap. 4,¹ and 1 James I. cap. 7,² are repealed, as is also so much of 7 James I. cap. 4,³ as relates to privy search. The present Act is in fact little more than a recapitulation of those statutes, omitting the branding of vagrants directed by 1 James, but in all other respects it is very similar; and a revival of so much severity in the comparatively humane and civilised period of Anne, seems to indicate that mendicancy and vagabondage had increased, owing possibly to the wars in which the country had been engaged.

We have now reached the end of the reign of "The good Queen Anne," the endearing title by which she was long remembered by the people. The queen died on the 1st of August 1714, in her fiftieth year, and was universally lamented. We are also arrived at the end of the Second Part of our work, and a brief survey of the position we have reached may here be useful.

1714.
Death of
Queen
Anne.

The reign of Queen Anne was not of long duration, but it was filled with incidents of great importance, both foreign and domestic. The disturbing circumstances unavoidably attendant on the Revolution had, under her mild influence, in great measure subsided, and the several powers of the constitution had become adjusted into an orderly and harmonious action. The Protestant succession in the House of Hanover was firmly established, and the Crown devolved upon George the First on the queen's decease, with as little obstruction as if it had passed in the ordinary line of descent. The union with Scotland no doubt materially contributed to this result; for although the adherents of the exiled family were still numerous in that country, its union with England, and the blending of the two people which thence ensued, served as a counterpoise to this circumstance, whilst at the same time the greatest benefits were secured to both countries in other respects. Ireland was quiet

¹ *Ante*, p. 182.

² *Ante*, p. 210.

³ *Ante*, p. 228.

and improving, and no longer a source of weakness to the empire; and British prowess and British influence were more felt and fully recognised than they perhaps had been at any preceding period. Considerable advances were likewise made in arts, literature, and science, and the writers of Anne's reign may vie with those who preceded or who have followed them.

1714.
Popula-
tion.

We have assumed that the population of England and Wales at the commencement of the year 1701 amounted to about five millions and three-quarters.¹ The waste of war during nearly the whole of Anne's reign would probably prevent any material increase at the time, whatever might be its effect afterwards, so that at the queen's decease we may still reckon the population at the same amount, which is considerably above what is estimated by some authorities, and considerably under what is estimated by others, and may therefore perhaps be taken as not very wide of the truth.

1714.
The poor
law.

As regards the Poor Law, it is only necessary to say that it rested essentially on the three statutes—43 Elizabeth, cap. 2,² 14 Charles II. cap. 12,³ and 13 Anne, cap. 26.⁴ The Act of Elizabeth establishes the principle of a compulsory rate, and prescribes the mode in which it is to be raised, and the object to which it is to be applied. The 14 Charles II. establishes the right of settlement and the power of removal. The 13 Anne describes who are to be deemed rogues, vagabonds, and sturdy beggars, and directs how they are to be dealt with. These statutes constituted “the sum and substance” of the laws for the relief of the poor at this period, as in fact they long continued to do, and may almost be said to do at the present day. The importance of providing education for the poor was recognised in the Act establishing the Plymouth work-house, by requiring the appointment of a schoolmaster.⁵

1714.
Poor-rates.

There is little certainty as regards the amount of

¹ *Ante*, p. 355.

² *Ante*, p. 191.

³ *Ante*, p. 279.

⁴ *Ante*, p. 377.

⁵ *Ante*, p. 367.

the poor-rates, notwithstanding the Poor Law was now in full operation in every part of the country. At the commencement of the century we have, on such information as we could obtain, estimated those rates in England and Wales to have amounted to somewhere about £900,000,¹ and, considering the circumstances of the times and the tendency of all such charges to increase, we may perhaps set them down at £950,000 in 1714, which accords pretty nearly with the authorities cited by Sir F. Eden.² This is, however, considerably above what a statement of "Local Taxation," compiled by the late Mr. Rickman, and printed by order of the House of Commons in 1839, would warrant. The average of the poor-rates for the three years 1748, 1749, and 1750, according to that statement, was £730,137; but as Mr. Rickman describes the returns for these years as being very defective, and as those of 1776 (against which he makes no such charge) give £1,720,317 as the amount levied in that year, it seems more likely that the former amount should have been set down too low, than that there should have been an increase of nearly a million between 1749 and 1776. I therefore venture to disregard the returns of 1748, 1749, and 1750, and assume the amount of the poor-rates at the end of Anne's reign to have been £950,000.

The several workhouses which had been erected at Bristol and elsewhere, together with the superior organisation for administering relief, and for preventing the application of the rates to improper objects, in all the parishes united for providing a common work-^{1714.}house, must have brought about a more regular and a ^{Work-}more economical mode of proceeding with regard to the poor; for although these workhouses were not founded on the best principle, nor probably conducted in the best manner, they would necessarily be a vast improvement upon the practice which previously pre-

¹ *Ante*, p. 354.

² *State of Poor Law*, vol. i. p. 264.

vailed, when in each separate parish relief was given according to the fancy or discretion of the persons who happened to fill the office of overseers at the time.

Of the price of provisions, and the rate of wages, sufficient has been said at the end of William's reign; and as respects the condition of the people, it is only necessary to remark, that there is every reason to believe it went on improving, concurrently with the general improvements of the period; for the advance of the country in wealth and intelligence, and the free and popular institutions which happily existed in England, could hardly fail to bring about a corresponding improvement in the general condition of the people in other respects.

We have seen that the interest of money was in 1713 reduced from six to five per cent.,¹ whilst at the same time there was a considerable increase in the amount of exports. The tonnage of British shipping had likewise increased, it having in 1700 amounted on an average of three years to 293,703 tons, and on a like average of three years in 1714 it had risen to 421,431 tons, thus showing an increase of upwards of one-third. These figures may appear insignificant compared with what is seen at the present day; but they afford evidence of the progressive state of the country, and show that the reduction of interest was caused by the growth of capital, not by a decrease in the means for its profitable employment. The British North American colonies had gone on steadily extending their boundaries and augmenting their population, assisted in both respects, rather than retarded, by the wars, political convulsions, and religious feuds, which from time to time occurred in Europe. Our settlements in the West Indies, and our factories in the East, were also every year becoming of more importance, all which circumstances may account for the increase of shipping and exports above noticed.

Increase of
trade and
shipping.

¹ *Ante*, p. 377.

Some Press Opinions.



Spectator.—"This new edition of a work, which has almost become a classic, is enriched by a life of the author, and by many notes. The treatment embraces the whole of English History, and it deals not only with the various laws on pauperism, but also with the causes which produced it, and which aggravated the disease. One feels, on reading this long record of unwise legislation, how true is the well-known saying, 'With how little wisdom the world is governed.' Never did a public servant work with greater zeal and industry than did Sir George Nicholls. Quitting office in 1851, he immediately addressed himself to the compilation of materials for this elaborate history, which will always remain a standard work on the doleful story of English pauperism, and the dangerous plans devised for dealing with it."

Speaker.—"It is still the standard work on its subject, and invaluable to the student of the present-day problems of pauperism, if only because it shows how many of the solutions proposed by impatient social reformers have been already tried in the past two centuries, commonly with the most benevolent intentions, and utterly failed to effect their purpose."

Daily News.—"No apology is needed for the appearance of this handsome new edition in two volumes of the late Sir George Nicholls' 'History of the English Poor Law.' It has now been before the world for considerably more than forty years, and has long since taken its position as the standard authority on the subject of which it treats."

Charity Organisation Review.—"The appearance of this new edition of Sir George Nicholls' 'History of the English Poor Law' will be welcomed by all students of the subject, and in particular by those who realise the important effect that past legislation in regard to this matter has had on the prosperity of the nation, and its enormous influence, whether for good or evil."

Councillor and Guardian.—"The volumes contain a wealth of information on one of the most interesting of subjects, and should be read by all who wish to extend their knowledge of Poor Law administration in the past."

Manchester Guardian.—"Nicholls' work is, after all, chiefly valued for the light that it throws upon the abuses of the old Poor Law in the first thirty years or so of this century, and upon the manner in which the new Poor Law was carried into effect between 1834 and 1853. Mr. Willink prefaces an interesting memoir of his grandfather, who was successively a merchant captain in the East India Company's service, a canal director, and a bank manager at Birmingham, before, at the age of fifty-three, he was invited by Lord Melbourne to undertake the extremely important office in connection with which he is best remembered."

Local Government Journal.—"Most persons who have any connection with local government and the relief of the poor are aware that the foundation of the present system of poor relief was laid in 1834. They are not aware, however, that it owed its inception and development to a long and deep study of the subject by the late Sir George Nicholls. . . . The work reads as freshly as if only just written, and a Life of the author by Mr. H. G. Willink, Chairman of the Bradfield Poor Law Union, adds to the value of the work, a perusal of which is a complete education in the history of poor relief in England."

Fabian News.—"This is an excellent reprint of Sir George Nicholls' well-known 'History of the English Poor Law.' It is scarcely possible to write anything fresh about a book like this. All one can say is, that it is a most complete and exhaustive account of the origin and progress of the Poor Law, and, though we are often antagonized by the point of view of the author, we can nevertheless appreciate the care and completeness with which his work is done."

Western Mercury (Plymouth).—"The pioneering work, the administrative work, were the inspiration of Sir George Nicholls, a sturdy Cornishman, a sea captain, a man of rare industry, integrity, and strict impartiality. There is only one fault to find with Mr. Willink's biography—it is too short."

Birmingham Gazette.—"Properly handled, the subject of the Poor Law is one of the most interesting imaginable. It is history in rags and fustian—the story of those whose deeds are not set down in chronicles, whose lives at best were picturesquely wretched. But if anyone wishes to form a true idea of England's past and present, and not be misled by the rose-coloured pictures of partisan historians or the fanciful traditions of school, let him study the history of the poor. The two volumes of Sir George Nicholls' 'History of the English Poor' are within the reach of most people. . . . A more interesting book, dealing with a matter more generally looked askance at, it would be hard to name."

